

786 AUTHORIZES MALCOLM PIRNIE TO PREPARE 202B REPORT AND
PERMIT APPLICATION FOR SEWAGE TREATMENT PLANT
MODIFICATIONS AND PLANT EXPANSION

Councilperson Boschetti offered the following resolution which was seconded by Councilperson Pike.

WHEREAS, the Town Board of the Town of Riverhead has engaged the firm of Malcolm Pirnie, Inc., consulting engineers, to evaluate improvements to the Riverhead Sewage Treatment Plant; and

WHEREAS, the Town Board has met with and discussed with Malcolm Pirnie, Inc., the various options to be pursued; and

WHEREAS, it is now desirable to authorize the preparation of a map and plan of the expansion of the sewage treatment plant to 1.7 million gallons per day with enhanced effluent quality; and

WHEREAS, it is necessary to apply to the NYS Department of Environmental Conservation for a modification of the State Pollutant Discharge Elimination System (SPEDS) permit of the Riverhead Sewage Treatment Plant.

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Riverhead authorizes Malcolm Pirnie to perform the consulting services necessary as detailed on the attached work plan; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby directed to forward a certified copy of this resolution to John Batten of Malcolm Pirnie, Inc. and Pierre Lundberg, Esq.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

787 EXTENDS AGREEMENT FOR CONSULTING SERVICES WITH CORNELL
UNIVERSITY

Councilperson Pike offered the following resolution which was seconded by Councilperson Boschetti.

WHEREAS, by previous resolution this Town Board did authorize Cornell University to perform consulting services concerning alternatives to sewage treatment effluent recharge; and

WHEREAS, by resolution of this date the Town Board has authorized Malcolm Pirnie, Inc. to proceed with the preparation of an application for permit modification; and

WHEREAS, it is desirable to extend the contract with Cornell University for consulting services.

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor is hereby authorized to enter into a contract with Cornell University to extend their agreement pursuant to the attached proposal; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby directed to forward a certified copy of this resolution to Cornell University, Pierre Lundberg, Esq., and Malcolm Pirnie, Inc.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

788 RESOLUTION CALLING PUBLIC HEARING OF EXTENSION NO. 42A
TO THE RIVERHEAD WATER DISTRICT (THE KNOLLS AT RIVER-
HEAD)

Councilperson Civiletti offered the following
resolution which was seconded by Councilperson Lombardi.

WHEREAS, a petition has been filed by Alvin Benjamin for an extension of the Riverhead Water district to serve the realty subdivision known as "The Knolls at Riverhead"; and

WHEREAS, a map and plan detailing the proposed construction of water mains and appurtenances has been prepared by H2M, consulting engineers to the Riverhead Water district; and

WHEREAS, the maximum amount to be expended for the installation of the mains is \$235,000 all to be borne by the applicant, Alvin Benjamin, said extension to be at no cost to the district; and

WHEREAS, key money will be paid by the applicant in the amount of \$2,500 per lot which will offset the anticipated burden of the additional services required; and

WHEREAS, the boundary of said extension is set forth fully in the attached exhibit A; and

WHEREAS, it is necessary for the Town Board to hold a public hearing to hear all persons wishing to be heard with regard to the granting of a contract by the Riverhead Water District to Alvin Benjamin. Such contract to provide for the installation of water mains and appurtenances at the sole cost of the applicant and at no cost to the district, and the payment of key money pursuant to Chapter 105 of the Riverhead Town Code.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board will hold a public hearing on the 19th day of December, 1989, at 7:45 o'clock p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons with regard to the extension to the Riverhead Water district to be known as Extension 42A; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to publish and post a copy of this resolution in full in the December 7, 1989 edition of The News Review; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Gary Pendzick, Pierre G. Lundberg, Esq., Henry Saxtein, Esq. and Sam McLendon.

BY ORDER OF THE RIVERHEAD TOWN BOARD
Irene J. Pendzick, Town Clerk

The vote, Boschetti, yes, Pike, yes, Civiletti, yes,
Lombardi, yes, Janoski, yes.
The resolution was thereupon duly declared adopted.

EXHIBIT B-2

RIVERHEAD WATER DISTRICTDESCRIPTION OF EXTENSION NO. 42ATHE KNOLLS AT RIVERHEAD

BEGINNING at a point on the existing Riverhead Water District boundary at the southeast corner of Extension No. 42, said point being 500 feet east of Roanoke Ave.

Running thence northerly along the east line of Extension No. 42 approximately 1,200 feet to a point.

Thence easterly through Section 64, Block 1, Lot 7.1 to the northwest corner of Section 82, block 2, Lot 4.7.

Thence easterly along the north line of Lot 4.7 to the northeast corner of Lot 4.7.

Thence southerly along the east line of Lot 4.7 to the existing Riverhead Water District boundary (north line of Extension No. 16, also southeast corner of Lot 4.7).

Thence westerly along the south line of Lot 47 (existing Riverhead Water District boundary) to the southwest corner of Lot 4.7)

Thence northerly and westerly along the existing Riverhead Water District boundary to the point of BEGINNING.

This description includes all of Section 82, Block 2, Lot 4.7 and a portion of Section 64, Block 1, Lot 7.1 for a total of approximately 62 acres.

12/5/89

TOWN OF RIVERHEAD

RESOLUTION # 789

AUTHORIZES TOWN CLERK TO ADVERTISE FOR BIDS

FOR STREET LIGHT AND TRAFFIC SIGNAL MAINTENANCE PARTS
RE: STREET LIGHTING DISTRICTCOUNCILPERSON Lombardi OFFERED THE FOLLOWING RESOLUTION
WHICH WAS SECONDED BY COUNCILPERSON Civiiletti.RESOLVED, THAT THE TOWN CLERK OF THE TOWN OF RIVERHEAD IS
HEREBY AUTHORIZED TO ADVERTISE FOR SEALED BIDS FOR THE PURCHASE
OF STREET LIGHT AND TRAFFIC SIGNAL MAINTENANCE PARTS FOR THE USE
OF THE STREET LIGHTING DISTRICT OF THE TOWN OF RIVERHEAD,AND BE IT RESOLVED, THAT THE SPECIFICATIONS AND FORMS FOR
BIDDING BE PREPARED BY THE SUPERINTENDENT OF HIGHWAYS, AND BIDS
BE RETURNABLE UP TO 11:00 A.M. ON DECEMBER 18, 1989 AND BE IT
FURTHERRESOLVED, THAT THE TOWN CLERK BE AND IS HEREBY DESIGNATED TO
OPEN PUBLICLY AND READ ALOUD ON DECEMBER 18, 1989 AT 11:00 A.M.
AT THE TOWN CLERK'S OFFICE, TOWN HALL, 200 HOWELL AVENUE,
RIVERHEAD, NEW YORK, ALL SEALED BIDS BEARING THE DESIGNATION
"BID ON STREET LIGHT AND TRAFFIC SIGNAL MAINTENANCE PARTS".

CBB/slp

The vote, Boschetti, Yes, Pike, Yes, Civiiletti, Yes,
Lombardi, Yes, Janoski, Yes.
The resolution was thereupon duly declared adopted.

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TOWN OF RIVERHEAD
NOTICE TO BIDDERS

STREET LIGHT AND TRAFFIC SIGNAL MAINTENANCE PARTS

Sealed bids for the purchase of street light and traffic signal maintenance parts for the use of the Street Lighting District of the Town of Riverhead, will be received at the Town Clerk's Office, Town Hall, 200 Howell Avenue, Riverhead, New York, until 11:00 A.M. on December 18, 1989, at which time they will be publicly opened and read aloud.

Specifications and forms may be examined and obtained at the Town Clerk's Office between the hours of 8:30 A.M. and 4:30 P.M. daily except Saturdays, Sundays and Holidays.

Each proposal must be submitted on the form provided and must bear the designation: "BID ON STREET LIGHT AND TRAFFIC SIGNAL MAINTENANCE PARTS".

The Town of Riverhead reserves the right to reject any and all bids.

Dated: December 5, 1989

BY ORDER OF THE TOWN BOARD
TOWN OF RIVERHEAD, NEW YORK

IRENE J. PENDZICK, TOWN CLERK

790 AWARDS BID FOR WADING RIVER TENNIS COURTS

Councilperson Boschetti offered the following resolution, which was seconded by Councilperson Civiletti:

WHEREAS, the Town Clerk was authorized to publish and post a notice to bidders for the restoration of the tennis courts at Wading River; and

WHEREAS, bids were received, opened and read aloud on the 31st day of August, 1989, at 11:30 a.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place given in said notice to bidders.

NOW, THEREFORE, BE IT

RESOLVED, that the bid for the restoration of the tennis courts at Wading River be and is hereby awarded to Paul Corazzini & Sons, Inc. in the amount of six thousand three hundred forty and 00/100 (\$6,340.00) dollars; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Paul Corazzini & Sons, Inc., the Recreation Department and the Town Attorney's Office.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

791 APPOINTS INTERN TO OFFICE OF THE SUPERVISOR

Councilperson Pike offered the following resolution which was seconded by Councilperson Boschetti.

RESOLVED, that Stephanis Whidden be and is hereby appointed as an intern in the Office of the Superviosr from December 18, 1989 through January 12, 1990at the hourly rate of compensation of \$6.50; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the Office of Accounting.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#792 AUTHORIZES RELEASE OF BONDS OF BAYWOOD ESTATES, INC. FOR
THE INSTALLATION OF PUBLIC WATER MAINS- MAP OF MANORS AT
BAITING HOLLOW

COUNCILPERSON Civiletti offered the following resolution, which was seconded by COUNCILPERSON Lombardi :

WHEREAS, pperformance bonds for the installation of public water mains were posted with the Town of Riverhead as follows:

Section I (Letter of Credit)	\$234,480.00
Section II	63,820.00
Section III	51,470.00
Section IV	43,000.00

and

WHEREAS, by Resolution #542 adopted August 1, 1989, the Town Board released the performance bond for Section IV only; and

WHEREAS, the installation of water mains and appurtenances in the subdivision have been completed.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby releases (1) the irrevocable letter of credit for Section I in the amount of \$239,480.00; (2) performance bond for Section II in the amount of \$63,820.00; (3) performance bond for Section III in the amount of \$51,470.00; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Peter S. Danowski, Jr., Esq., the attorney for the applicant, Pierre G. Lundberg, Esq., the Riverhead Planning Board, the Riverhead Water District and the Town Attorney's Office.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

793 AUTHORIZES REDUCTION OF PERFORMANCE BONDS FOR BAYWOOD ESTATES, INC. FOR ROAD & DRAINAGE IMPROVEMENTS - MAP OF MANORS AT BAITING HOLLOW

COUNCILPERSON Civiletti offered the following resolution, which was seconded by COUNCILPERSON Lombardi:

WHEREAS, original bonds have been posted with the Town of Riverhead for road and drainage improvements as follows:

Section I	\$226,000.00
Section II	286,000.00
Section III	170,000.00
Section IV	156,000.00

and

WHEREAS, the Town's consulting engineer, Riverhead Planning Board and the Attorney for the Town have recommended that said bond amounts be reduced as follows:

Section I	\$75,000.00
Section II	75,000.00
Section III	50,000.00
Section IV	50,000.00

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board does hereby consent to the reduction of the aforementioned bonds as follows:

Section I	\$75,000.00
Section II	75,000.00
Section III	50,000.00
Section IV	50,000.00

and approves the form and sufficient of the consent to the reduction of the bonds regarding Section I and Section II as same are filed with the Town Clerk, and that the Town Clerk be and is hereby authorized to keep said bonds and consents on file in her office; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Peter S. Danowski, Jr., Esq., attorney for the applicant, the Riverhead Planning Board and the Town Attorney's Office.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, abstain, Janoski, yes.

The resolution was thereupon duly declared TABLED.

#794 AUTHORIZES REDUCTIONS OR RELEASE OF BONDS OF BAYWOOD ESTATES, INC. FOR PARK & RECREATION FEES - MAP OF MANORS AT BAITING HOLLOW

COUNCILPERSON Civiletti offered the following resolution, which was seconded by COUNCILPERSON Lombardi:

WHEREAS, park and recreation fee bonds were posted with the Town of Riverhead as follows:

Section I	42,000.00
Section II	46,000.00
Section III	42,000.00
Section IV	<u>38,000.00</u>

TOTAL: \$168,000.00

and

WHEREAS, the cash payment of park and recreation fees has been paid to the Town of Riverhead in the amount of \$70,000.00.

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board does hereby authorize the reduction in bond amounts covering all four (4) sections of the subdivision in the amount of \$70,000.00, leaving \$98,000.00 to be bonded in a new bond to be provided by the applicant; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Peter S. Danowski, Jr., Esq., attorney for the applicant, the Riverhead Planning Board, the Riverhead Building Department and the Town Attorney's Office.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

795 APPOINTS INTERNS TO OFFICE OF ACCOUNTING

Councilperson Lombardi offered the following resolution which was seconded by Councilperson Civiletti.

RESOLVED, that Michelle Giordano and Laurie Gallo be and are hereby appointed as interns in the Office of Accounting from December 18, 1989 through January 12, 1990 at the hourly rate of compensation of \$6.00; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the Office of Accounting.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

796 APPROVES SITE PLAN OF CHARLES BRASBY/BRASBY'S RESTAURANT

Councilperson Boschetti offered the following resolution, which was seconded by Councilperson Pike:

WHEREAS, a site plan and elevations were submitted by Charles Brasby for the construction of a three hundred forty-two (342) square foot addition on the north side of the existing building for storage purposes located at Main Road (New York State Route 25), Aquebogue, New York, known and designated as Suffolk County Tax Map Number 0600-67-3-21; and

WHEREAS, the Planning Department has reviewed the site plan dated November 7, 1989, as prepared by Martin F. Sendlewski, AIA, 6 Rocky Point Road, Middle Island, NY 11953, and elevations dated November 7, 1989, as prepared by Martin F. Sendlewski, AIA, 6 Rocky Point Road, Middle Island, NY 11953, and has recommended to the Town Board of the Town of Riverhead that said site plan application be approved; and

WHEREAS, the Environmental Quality Review Board has determined that the action is a(n) Type II Action without significant impact upon the environment; and

WHEREAS, based upon the Town Board's review of the Environmental Assessment Form and the proceedings had herein, the Town Board determines that the site plan applied for will be a(n) Type II Action without a significant impact upon the environment pursuant to the State Environmental Conservation Law and 6 NYCRR Part 617; and

WHEREAS, this Town Board has reviewed the site plan and elevations aforementioned.

NOW, THEREFORE, BE IT

RESOLVED, that the site plan and elevations submitted by Charles Brasby, for the construction of a three hundred forty-two (342) square foot addition on the north side of the existing building for storage purposes, located at Main Road (New York State Route 25), Aquebogue, New York, site plan dated November 7, 1989, as prepared by Martin F. Sendlewski, AIA, 6 Rocky Point Road, Middle Island, NY 11953, and elevations dated November 7, 1989, as prepared by Martin F. Sendlewski, AIA, 6 Rocky Point Road, Middle Island, NY 11953, be and are hereby approved by the Town Board of the Town of Riverhead, subject to the following:

1. That the provisions of the Riverhead Town Code, which are not addressed by this resolution, or other official action of the Town shall, at all times, be complied with by the owner of the property covered by this site plan;

2. That a covenant containing all the limitations and provisions of these approvals contained in this resolution, in a form as attached, shall be recorded with the Suffolk County Clerk and a copy of such recorded covenant shall be filed with the Riverhead Town Clerk. This resolution shall not become effective until such covenant is duly recorded with the Suffolk County Clerk's Office and filed with the Riverhead Town Clerk;

3. That the form, design, location and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan process and the sign permit procedure prior to being installed at the property; that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the Riverhead Town Code shall be complied with, and that all tenants shall be apprised of said requirements as well as those of Section 108-110.7 and any restrictions imposed as a condition of the site plan approval granted herein;

4. No lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;

5. That the applicant is familiar with the Riverhead Town Code, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal", and Chapter 98, prohibiting the accumulation of litter, and agrees to abide by same;

6. That the parking area shall be maintained pursuant to specifications outlined in the Riverhead Town Code;

7. That adequate parking for the handicapped, pursuant to State and Federal law, shall be provided and that each handicap stall shall be designated by an individual sign erected on a stanchion stating, "No Parking, Handicap Only", and the universal symbol affixed thereto. Further, by execution and filing of this document, CHARLES BRASBY hereby authorizes the Town of Riverhead to enter premises at Main Road (New York State Route 25), Aquebogue, New York, to enforce said handicapped parking regulations;

8. That by execution and filing of this document, CHARLES BRASBY hereby authorizes and consents to the Town of Riverhead to enter premises at Main Road (New York State Route 25), Aquebogue, New York, to enforce any and all codes, ordinances, and regulations of the Town of Riverhead;

9. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter; and that any planters, planter boxes, window boxes or other container plantings shall likewise be maintained on a year-round basis;

10. That the north wall of the existing building, facing the addition, shall also be painted to match the remainder of the existing building;

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Charles Brasby, Martin F. Sendkewski, AIA, the Riverhead Planning Department, the Riverhead Building Department, and the Office of the Town Attorney.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

DECLARATION AND COVENANTS

THIS DECLARATION, made the _____ day of _____, 1989, made by CHARLES BRASBY, residing at Main Road, Aquebogue, New York, 11931, Declarant.

W I T N E S S E T H:

WHEREAS, Declarant is the owner of certain real property situate in the Town of Riverhead, Suffolk County, New York, more particularly bounded and described as set forth in SCHEDULE "A" annexed hereto, as provided by Declarant; and

WHEREAS, for and in consideration of the granting of said site plan, the Town Board of the Town of Riverhead has deemed it to be in the best interests of the Town of Riverhead, and the owner and prospective owners of said parcel, that the within covenants and restrictions be imposed on said parcel, and as a condition of granting said site plan and said Town Board has required that the within Declaration be recorded in the Suffolk County Clerk's Office; and

WHEREAS, Declarant has considered the foregoing and determined that same will be in the best interest of the Declarant and subsequent owners of said parcel.

NOW, THEREFORE, THIS DECLARANT WITNESSETH:

That Declarant, for the purpose of carrying out the intentions above expressed, does hereby make known, admit, publish, covenant and agree that the said premises herein described shall hereafter be subject to the following covenants which shall run with the land, and shall be binding upon all purchasers and holders of said premises, their heirs, executors, legal representatives, distributees, successors and assigns; to wit:

1. That the provisions of the Riverhead Town Code, which are not addressed by this resolution, or other official action of the Town shall, at all times, be complied with by the owner of the property covered by this site plan;

2. That the form, design, location and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan process and the sign permit procedure prior to being installed at the property; that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the Riverhead Town Code shall be complied with, and that all tenants shall be apprised of said requirements as well as those of Section 108-110.7 and any restrictions imposed as a condition of the site plan approval granted herein;

NOTARY PUBLIC

797 APPOINTS PUBLIC SAFETY DISPATCHER WITH THE RIVERHEAD
POLICE DEPARTMENT

Councilperson Pike offered the following
resolution which was seconded by Councilperson Civiletti.

WHEREAS, the Town of Riverhead did receive a Certification
of Eligibles from the Suffolk County Department of Civil Service
with regard to the position of Public Safety Dispatcher I; and

WHEREAS, all candidates where thereafter duly interviewed.

NOW, THEREFORE, BE IT RESOLVED, that Candee Ulmet be and is
hereby appointed to the position of Public Safety Dispatcher I
with the Riverhead Police Department effective January 2, 1990 at
the annual rate of compensation of \$21,464.98, Group 1, Step P as
set forth in the 1990 CSEA Public Safety Dispatcher Salary
Schedule.

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby
authorized to forward a certified copy of this resolution to
Candee Ulmet, Chief Grattan and the Office of Accounting.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes,
Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

798 MAKES SEQR DETERMINATION ON SPECIAL PERMIT OF ROBERT AND MARIE ANDREWS

Councilperson Civiletti offered the following resolution, which was seconded by Councilperson Lombardi:

WHEREAS, the Riverhead Town Board has received a special permit petition for the operation of a farm stand within the Residential A Zoning Use District in order to expand a preexisting and nonconforming use; such petition from Robert and Marie Andrews respecting Suffolk County Tax Map Number 0600-158-2-12.1, and

WHEREAS, the Riverhead Planning Department has reviewed the Environmental Assessment Form and all other applicable data attending this petition and has recommended that the action be classified as a Type II Action;

THEREFORE, BE IT

RESOLVED, that the Riverhead Town Board declare itself as the Lead Agency in the special permit petition of Robert and Marie Andrews, and

BE IT FURTHER

RESOLVED, that after careful consideration of the Environmental Assessment Form attending the petition as well as other pertinent environmental information, the Town Board declares the action to be a Type II Action and that no SEQR determination of significance, Environmental Impact Statement, or Findings Statement is required; and

BE IT FURTHER

RESOLVED, that since the extent of the site change is less than 10 percent of the current site as configured, the Town Board waives the requirement for public hearing in this matter.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

799 MAKES SEQR DETERMINATION ON SPECIAL PERMIT OF BERNIE MAY

Councilperson Civiletti offered the following resolution, which was seconded by Councilperson Lombardi:

WHEREAS, the Riverhead Town Board is in receipt of a special permit petition from Bernie May in order to expand a preexisting, nonconforming use within a Residential A Zoning Use District; Suffolk County Tax Map Number _____, and

WHEREAS, the Riverhead Planning Department has reviewed the Environmental Assessment Form attending this petition and has recommended that the action be classified as a Type II Action;

THEREFORE, BE IT

RESOLVED, that the Riverhead Town Board declare itself as the Lead Agency in the special permit petition of Bernie May, and

BE IT FURTHER

RESOLVED, that after careful consideration of the Environmental Assessment Form attending the petition as well as other pertinent environmental information, the Town Board declares the action to be a Type II Action and that no SEQR determination of significance, Environmental Impact Statement, or Findings Statement is required.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#800 AWARDS BID FOR PROMENADE DRIVE RECHARGE BASIN IMPROVE-
MENTS

Councilperson Lombardi offered the following resolution, which was seconded by Councilperson Civiletti:

WHEREAS, the Town Clerk was authorized to publish and post a notice to bidders for the improvements to the Promenade Drive Recharge Basin; and

WHEREAS, bids were received, opened and read aloud on the 30th day of November, 1989, at 11:00 a.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place given in the notice to bidders.

NOW, THEREFORE, BE IT

RESOLVED, that the bid for the improvements to the Promenade Drive Recharge Basin be and is hereby awarded to Patrick Bistran, Jr. in the amount of thirty-seven thousand seven hundred seventy-five and 00/100 (\$37,775.00) dollars; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Patrick Bistran, Jr., the Highway Department and the Town Attorney's Office.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

12/3/89 1389
801 DECLARES LEAD AGENCY RE: SPECIAL PERMIT APPLICATION OF
SPLISH-SPLASH AT ADVENTURE ISLAND, INC.

The following resolution was offered by Councilperson

Boschetti and seconded by Councilperson Pike :

WHEREAS, Splish-Splash at Adventure Island, Inc. has applied for a special use permit for a recreational use pursuant to Chapter 108 of the Code Of The Town Of Riverhead as to the premises located in Calverton North of the Long Island Expressway and south of Route 25 known as Suffolk County Tax Map, No. 600-118-01-003.

WHEREAS, pursuant to the Code Of The Town Of Riverhead, the New York State Environmental Conservation Law and part 617 of the New York Code Of Rules And Regulations, the Applicant has filed a long form environmental assessment form prepared by the H2M Group, and

WHEREAS, it is necessary to evaluate the proposed action and its potential effects upon the environment and this Board is the principal decision making agency on the proposed action, now

THEREFORE BE IT RESOLVED, that this Board, pursuant to the applicable statutes, laws and rules, does hereby designate itself as the "Lead Agency" for the purpose of reviewing the environmental impacts of the proposed use and does direct that the appropriate notice of said designation be served upon all other applicable jurisdictions, agencies, bodies and interested parties.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes,
Tombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

802 AUTHORIZES TOWN CLERK TO PUBLISH & POST PUBLIC NOTICE TO
CONSIDER AMENDMENTS TO VARIOUS SECTIONS OF OF CHAPTER 52
AND CHAPTER 108 OF THE RIVERHEAD TOWN CODE

Councilperson Pike offered the following resolution, which was seconded by Councilperson Civiletti:

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the following public notice to consider amendments to various sections of Chapter 52 and Chapter 108 of the Riverhead Town Code:

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

⁹ PLEASE TAKE NOTICE, that a public hearing will be held on the 18th day of December, 1989, at 7:55 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons to consider the following amendments to the Riverhead Town Code:

BUILDING CONSTRUCTION & ZONING

52-10. Building permit fees.

- C.(1) Dwellings, one- and two-family: main story, ~~thirty dollars (\$30.)~~ forty dollars (\$40.) per square foot; additional stories, ~~fifteen dollars (\$15.)~~ twenty dollars (\$20.) per square foot.
- (2) Multiple-family dwellings, apartments, condominiums, hotels, motels, boardinghouses, labor camps and nursing and convalescent homes: main story, ~~fifty dollars (\$50.)~~ seventy dollars (\$70.) per square foot; additional stories, ~~thirty dollars (\$30.)~~ thirty-five dollars (\$35.) per square foot.
- (3) Private garages, attached or detached: ~~ten dollars (\$10.)~~ twenty dollars (\$20.) per square foot.
 - (a) Agricultural buildings. Farm buildings used for agricultural use, not as an accessory use to a residence: ~~twenty-five dollars (\$25.)~~ thirty dollars (\$30.) per square foot.
 - (b) Plastic greenhouses. Buildings used for agricultural use, not as an accessory use to a residence, ~~five dollars (\$5.)~~ ten dollars (\$10.) per square foot.

- (4) Accessory and utility buildings: main story, ~~ten dollars (\$10.)~~ twenty dollars (\$20.) per square foot; additional stories, five dollars (\$5.) per square foot.
- (5) Mercantile, business and office buildings, garages and service stations, places of public assembly, assembly halls and clubhouses: main story ~~fifty dollars (\$50.)~~ sixty dollars (\$60.) per square foot; additional stories, ~~forty dollars (\$40.)~~ fifty dollars (\$50.) per square foot.
- (6) Factory buildings and warehouses (finished types): main story, ~~fifty dollars (\$50.)~~ sixty dollars (\$60.) per square foot; additional stories, ~~forty dollars (\$40.)~~ fifty dollars (\$50.) per square foot.
- (7) Factory buildings and warehouses (unfinished types): main story, ~~fifty dollars (\$50.)~~ sixty dollars (\$60.) per square foot; additional stories, ~~forty dollars (\$40.)~~ fifty dollars (\$50.) per square foot.
- (9) Foundation only: ~~thirty dollars (\$30.)~~ forty dollars (\$40.) per linear foot.
- (10) the fee for a permit to demolish a building shall be ~~twenty dollars (\$20.)~~ forty dollars (\$40.) for a small building up to one thousand (1,000) square feet and ~~fifty dollars (\$50.)~~ seventy-five dollars (\$75.) for a large building of more than one thousand (1,000) square feet.
- (11) The fee for a duplicate certificate of occupancy shall be ~~ten dollars (\$10.)~~ twenty-five dollars (\$25.); and letters of preexisting use and inspection above the maximum shall be ~~ten dollars (\$10.)~~ twenty-five dollars (\$25.) each.

52-18. Penalties for offenses.

- B. For any and every violation of the provisions of this chapter, the owner or general agent of a building or premises where such violation has been committed or exists, and the lessee or tenant of an entire building..., shall upon conviction thereof, be liable to a fine or penalty not exceeding ~~one hundred dollars (\$100.)~~ five hundred dollars (\$500.) for each and every violation. (Further language to remain as is.)

ZONING

108-96. Minor Subdivision.

D. Application and fee.

- (2) All applications for the consideration of a minor subdivision shall be accompanied by a fee of ~~twenty-five dollars (\$25.)~~ fifty dollars (\$50.); if the lots are merged or in an internal change in the lot lines occurs,....
(Further language to remain as is.)

108-97. Major Subdivision.

F. Application and fee.

- (1) Sketch plan. A letter of application, together with the requisite number of copies..., shall be accompanied by a fee of ~~fifty dollars (\$50.)~~ one hundred dollars (\$100.).
- (2) Preliminary plat. A letter of application, together with the requisite number of copies,.... All applications for the consideration of a preliminary plat shall be accompanied by a fee of five dollars (\$5.) per acre or part thereof in the proposed subdivision or one hundred dollars (\$100.), whichever is greater, if a sketch plan has been submitted. ~~or shall be accompanied by a fee of fifty dollars (\$50.) plus five dollars (\$5.) per acre or a part thereof in the proposed subdivision is a sketch plan has not been submitted.~~ In the event that a sketch plan has not been submitted for consideration by the Planning Board, applications for preliminary plat consideration shall be accompanied by a fee of one hundred dollars (\$100.) plus the aforementioned preliminary plat fee of one hundred dollars (\$100.) or five dollars (\$5.) per acres, whichever is greater.
- (3) Final plat. A letter of application, together with the requisite number of copies.... The fee for final subdivision shall be waived, unless the subdivider submits..., in which case the application shall be accompanied by a fee of ~~fifty dollars (\$50.)~~ one hundred dollars, plus five dollars (\$5.) per acre or part thereof in the proposed subdivision, or one hundred dollars (\$100.), whichever is greater.

- (5) Engineering fee. Prior to final subdivision being granted,... submission of the final plat. The Planning Board may waive all or part of said fee where the Planning Board determines that no additional engineering services are required. No applicant shall have any claim for the return of such fee or portion thereof.

108-100. Industrial Subdivision.

F. Application and fee.

- (1) Sketch plan. A letter of application, together with the requisite number of copies of the sketch plan, shall be submitted to the Planning Board at least sixteen (16) days prior to a regular meeting for consideration at that meeting. All applications for the consideration of the sketch plan shall be accompanied by a fee of ~~fifty dollars (\$50.)~~ one hundred dollars (\$100.).
- (2) Preliminary plat. A letter of application, together with the requisite number of copies,.... All applications for the consideration of a preliminary plat shall be accompanied by a fee of five dollars (\$5.) per acre or part thereof in the proposed subdivision or one hundred dollars (\$100.), whichever is greater, if a sketch plan has been submitted. ~~or shall be accompanied by a fee of fifty dollars (\$50.) plus five dollars (\$5.) per acre or a part thereof in the proposed subdivision is a sketch plan has not been submitted.~~ In the event that a sketch plan has not been submitted for consideration by the Planning Board, applications for preliminary plat consideration shall be accompanied by a fee of one hundred dollars (\$100.) plus the aforementioned preliminary plat fee of one hundred dollars (\$100.) or five dollars (\$5.) per acres, whichever is greater.
- (3) Final Plat. A letter of application, together with the requisite number of copies of the final plat,.... The fee for final subdivision..., in which case the application shall be accompanied by a fee of ~~fifty dollars (\$50.)~~ one hundred dollars plus five dollars (\$5.) per acre or part thereof in the proposed subdivision, or one hundred dollars (\$100.), whichever is greater.

- (5) Engineering fee. Prior to final subdivision being granted,... submission of the final plat. The Planning Board may waive all or part of said fee where the Planning Board determines that no additional engineering services are required. No applicant shall have any claim for the return of such fee or portion thereof.

Dated: Riverhead, New York
December 5, 1989.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

IRENE J. PENDZICK, Town Clerk

The vote, Boschetti, yes, Pike, yes, Civiletti, yes,
Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#803 AUTHORIZES TOWN CLERK TO PUBLISH & POST PUBLIC NOTICE TO
CONSIDER AMENDMENTS TO VARIOUS SECTIONS OF CHAPTER 108 OF
THE RIVERHEAD TOWN CODE

-Councilperson Civiletti offered the following resolution, which was seconded by Councilperson Lombardi:

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the following public notice to consider amendments various sections of Chapter 108 of the **Riverhead Town Code**:

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE, that a public hearing will be held on the 19th day of December, 1989, at 7:55 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons to consider the following amendments to various sections of Chapter 108 of the **Riverhead Town Code** as follows:

108-77. Filing fees.

- A. For each appeal to the Board of Appeals, there shall be filing fees payable upon the submission of an application in the following amounts: ~~to be fixed by resolution of the Town Board and posted in the office of the Zoning Officer, except appeals in accordance with New York State Town Law Article 16, Subsection 280-a, for which no fee shall be charged a fee of fifteen dollars (\$15.) shall be charged.~~

1. Residential applications:

- (a) Use or area variances and/or interpretations: sixty dollars (\$60.).
- (b) Appeals in accordance with New York State Town Law, Article 16, Subsection 280-a: fifteen dollars (\$15.).
- (c) Structures being one hundred (100) square feet and less, including swimming pools being one hundred (100) square feet and less of surface area and of less than a three-foot depth: fifteen dollars (\$15.).

2. Commercial applications:

- (a) Use or area variances, and/or interpretations: one hundred fifty dollars (\$150.).

(b) Appeals in accordance with New York State Town Law Article 16, Subsection 280-a: seventy-five dollars (\$75.).

(c) Structures being one hundred (100) square feet and less, including swimming pools being one hundred (100) square feet and less of surface area and of less than a three-foot depth: seventy-five dollars (\$75.).

~~B. The Town Board of the Town of Riverhead does hereby set a fee of ten dollars (\$10.) for applications to the Zoning Board of Appeals concerning certain structures, they being structures which are one hundred (100) square feet and less in floor area and, with regard to swimming pools, being one hundred (100) square feet and less of surface area and of less than a three-foot depth.~~

B. The Board of Appeals shall have the discretion to refund a fee where it deems waiving such a fee is appropriate.

108-78. Penalties for offenses.

A violation of any provision or requirement of this chapter or a violation of any statement, plan application, permit or certificate approved or issued under the provisions of this chapter shall be deemed a violation, punishable by a fine not exceeding ~~two hundred fifty dollars (\$250.)~~ one thousand dollars (\$1,000.) or imprisonment for a period not exceeding fifteen (15) days, or by both such fine and imprisonment.

108-81. Fee.

Prior to the filing of each application for a change or amendment to this chapter, a fee shall be paid to the Town Clerk with respect thereto in the amount of one hundred dollars (\$100.). ~~in an amount to be fixed by resolution of the Town Board and posted in the office of the Town Clerk.~~ The cost of the publication of notice of public hearing shall be paid by the applicant prior to the date of public hearing.

Dated: Riverhead, New York
December 5, 1989.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

IRENE J. PENDZICK, Town Clerk

The vote, Boschetti, yes, Pike, yes, Civiletti, yes,
Lombardi, yes, Janoski, yes.
The resolution was thereupon duly declared adopted.

804 AUTHORIZES TOWN CLERK TO PUBLISH & POST PUBLIC NOTICE TO
CONSIDER AMENDMENTS TO VARIOUS SECTIONS OF CHAPTER 48 OF
THE RIVERHEAD TOWN CODE

Councilperson Lombardi offered the following resolution, which was seconded by Councilperson Civiletti:

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the following public notice to consider amendments various section of Chapter 46 to the Riverhead Town Code:

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE, that a public hearing will be held on the 19th day of December, 1989, at 7:55 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons to consider the following amendments to Chapter 46 of the Riverhead Town Code:

BEACHES AND RECREATION CENTERS

48-7. Application for permit, fee.

B. Permits shall be issued at ~~no~~ a cost of fifty (\$50.) dollars and shall run from January 1 through December 31 of each year. The applicant shall furnish the following information: (Further language to remain as is.)

48-11. Penalties for offenses.

Any violation of this article shall be deemed to be an offense punishable by a fine not to exceed ~~one hundred dollars (\$100.)~~ five hundred dollars (\$500.) or ten days in jail or both. (Further language to remain as is.)

48-11.1. Impoundment fees.

In addition to any other penalty imposed herein, the motor vehicle used in violation of this chapter shall be impounded by the Riverhead Town Police Department. No such impounded vehicle shall be released until a payment of ~~one hundred dollars (\$100.)~~ two hundred fifty dollars (\$250.), plus ten dollars (\$10.) for each day of impoundment after the first day shall have been paid to the Town of Riverhead. No owner of such impounded vehicle shall have any civil claim against the Town of Riverhead for such impoundment pursuant to this section.

48-13. Parking and parking permits.

B.(1) Resident parking permit.

- (d) There will be ~~no~~ a cost of ten dollars (\$10.) for a resident parking permit.

B.(2) Nonresident parking permit.

- (b) The fee for the issuance of a nonresident parking permit shall be ~~fifty dollars (\$50.)~~ seventy-five dollars (\$75.) annually or ~~five dollars (\$5.)~~ ten dollars (\$10.) daily.

C. Hotel-motel parking permits.

- (5) The fee for the issuance of a hotel-motel parking permit shall be ~~ten dollars (\$10.)~~ fifty dollars (\$50.) per ~~room or~~ permit annually.

Dated: Riverhead, New York
December 5, 1989

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

IRENE J. PENDZICK, Town Clerk

The vote, Boschetti, yes, Pike, yes, Civiletti, yes,
Lombardi, yes, Janoski, yes.
The resolution was thereupon duly declared adopted.

805 AUTHORIZES TOWN CLERK TO PUBLISH & POST PUBLIC NOTICE
TO CONSIDER AMENDMENTS TO VARIOUS SECTIONS OF CHAPTER
103 OF THE RIVERHEAD TOWN CODE

Councilperson Boschetti offered the following resolution, which was seconded by Councilperson Pike:

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the following public notice to consider amendments to various sections of Chapter 103 of the Riverhead Town Code:

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE, that a public hearing will be held on the 19th day of December, 1989, at 7:55 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons to consider the following amendments Chapter 103 of the Riverhead Town Code as follows:

**WASTE DISPOSAL
Landfill Fees**

103-11. Usage Fees.

All vehicles entering the town landfill shall present to the gate attendant coupons as prescribed herein:

B. Commercial vehicles.

- (1) Any vehicle of one (1) ton's capacity or less used for commercial purposes: ~~twenty dollars (\$20.)~~ forty dollars (\$40.) per ton, with a minimum charge of ~~twenty dollars (\$20.)~~ forty dollars (\$40.) per billing period.
- (2) Pickup trucks and commercial vans of one (1) ton's capacity or less used for commercial purposes: ~~twenty dollars (\$20.)~~ forty dollars (\$40.) per ton, with a minimum charge of ~~twenty dollars (\$20.)~~ forty dollars (\$40.) per billing period.
- (3) Garbage Haulers: ~~twenty dollars (\$20.)~~ forty dollars (\$40.) per ton, with a minimum charge of ~~twenty dollars (\$20.)~~ forty dollars (\$40.) per billing period.
- (4) Any vehicle of one (1) ton's capacity or more used for commercial purposes: ~~twenty dollars (\$20.)~~ forty dollars (\$40.) per ton, with a minimum charge of ~~twenty dollars (\$20.)~~ forty dollars (\$40.) per billing period.

- (5) Trailers: ~~twenty dollars (\$20.)~~ forty dollars (\$40.) per ton, with a minimum charge of ~~twenty dollars (\$20.)~~ forty dollars (\$40.) per billing period.

Dated: Riverhead, New York
December 5, 1989

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

IRENE J. PENDZICK, Town Clerk

The vote, Boschetti, yes, Pike, yes, Civiletti, yes,
Lombardi, yes, Janoski, yes.
The resolution was thereupon duly declared adopted.

806 AUTHORIZES TOWN CLERK TO PUBLISH & POST PUBLIC NOTICE TO CONSIDER THE ADOPTION OF A NEW SECTION 103-13 TO THE RIVERHEAD TOWN CODE

Councilperson Civiletti offered the following resolution, which was seconded by Councilperson Boschetti :

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the following public notice to consider the repeal of Section 103-13 and the addition of a new Section 103-13 to the Riverhead Town Code:

TOWN OF RIVERHEAD
PUBLIC NOTICE

PLEASE TAKE NOTICE, that a public hearing will be held on the 19th day of December, 1989, at 8:05 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons to consider the repeal of Section 103-13 and the addition of a new Section 103-13 to the Riverhead Town Code as follows:

~~103.13. Current fees.~~

~~Effective immediately, the fees provided by Chapter 103 of the Riverhead Town Code, prior to adoption of Local Law No. 3-184, shall be carried forward and shall remain in full force and effect until February 1, 1985. However, no renewals of such fees shall be charged.~~

103.13. Residential and nonresidential collection rates.

A. It shall be unlawful for any person, firm or corporation to charge a fee in excess of that indicated below for the curbside collection, removal and disposal of solid waste from a residence:

(1) Service one (1) day per week: eighteen dollars (\$18.) per month, plus sales tax, for all services set forth in subdivision B hereof. Each collection shall be limited to a maximum of two (2) thirty-(30) gallon containers, each weighing not more than seventy-five (75) pounds.

(2) Service two (2) days per week: twenty-four dollars (\$24.) per month, plus sales tax, for all services set forth in subdivision B hereof. Each collection shall be limited to a maximum of two (2) thirty-(30) gallon containers, each weighing not more than seventy (75) pounds.

B. It shall be unlawful for any person, firm or corporation to charge a fee in excess of ten dollars and 45 cents (\$10.45) per collection for each cubic yard of a solid waste container's capacity, regardless of the amount of solid waste in the container at the time of collection. For all or any combination of the following services to a nonresidential customer or to a multiple-residence location:

- (1) Collection and removal of solid waste;
- (2) Rental, provision or use of a container for such solid waste;
- (3) Disposal of solid waste at the Riverhead landfill or at any other solid waste disposal facility operated by or on behalf of the Town of Riverhead.

Dated: Riverhead, New York
December 5, 1989.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

IRENE J. PENDZICK, Town Clerk

The vote, Boschetti, yes, Pike, yes, Civiletti, yes,
Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

807 AUTHORIZES TOWN CLERK TO PUBLISH AND POST HELP WANTED AD
FOR SCHOOL CROSSING GUARD

COUNCILPERSON Civiletti offered the following resolution, which was seconded by COUNCILPERSON Lombardi:

WHEREAS, there are available positions for School Crossing Guards.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post a display Help Wanted Ad for School Crossing Guards in the December 13, 1989, issue of the Suffolk Life newspapers and the December 14, 1989, issue of the Riverhead News-Review.

HELP WANTED

The Town of Riverhead is seeking qualified individuals to serve as School Crossing Guards. Interested individuals must submit an application to the Riverhead Police Department, 210 Howell Avenue, Riverhead, New York, weekdays between 8:30 a.m. and 4:30 p.m. the Town of Riverhead does not discriminate on the basis of race, color, national origin, sex, age and handicapped status in employment or the provision of services.

The hourly rate of compensation for said position is \$6.50, uniforms are provided and benefits may be available.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

IRENE J. PENDZICK, Town Clerk

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

808 AUTHORIZES TOWN CLERK TO PUBLISH & POST PUBLIC NOTICE TO
CONSIDER AN UPDATE TO THE RIVERHEAD TOWN MASTER PLAN AND
THE REVISION OF THE ZONING USE DISTRICT MAP OF THE TOWN
OF RIVERHEAD

Councilperson Pike offered the following resolution, which was seconded by Councilperson Civiletti:

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the following public notice to consider an update of the Riverhead Town Master Plan and the revision of the Zoning Use District Map of the Town of Riverhead:

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE, that a special meeting of the Town Board will be on the 18th day of December, 1989, at 7:30 o'clock p.m. at the Riverhead High School, Harrison Avenue, Riverhead, New York, for the purpose of conducting a public hearing to hear all interested persons to consider an update to the Riverhead Town Master Plan and revision to the Zoning Use District Map of the Town of Riverhead" as attached hereto.

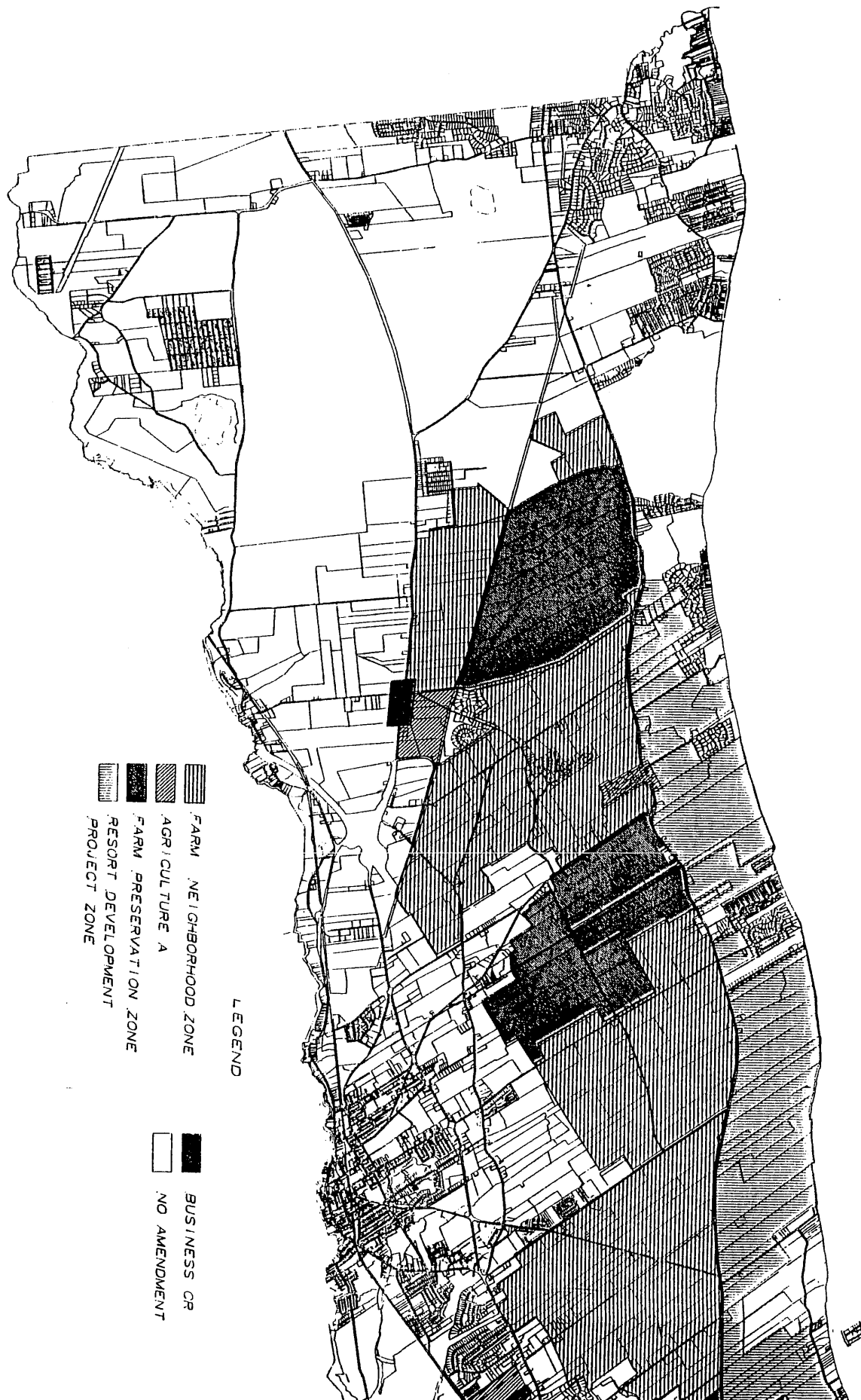
Dated: Riverhead, New York
December 5, 1989.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD






IRENE J. PENDZICK, Town Clerk



The vote, Boschetti, abstain, Pike, yes, Civiletti, yes,
Lombardi, abstain, Janoski, abstain.
The resolution was thereupon duly declared **DENIED**.

*See comments on page 662 of the 1989 Minute Book.



LEGEND

-  FARM NEIGHBORHOOD ZONE
-  AGRICULTURE A
-  FARM PRESERVATION ZONE
-  RESORT DEVELOPMENT
-  PROJECT ZONE

-  BUSINESS OR
-  NO AMENDMENT

809 AUTHORIZES TOWN CLERK TO PUBLISH & POST PUBLIC NOTICE TO
CONSIDER A LOCAL LAW TO ESTABLISH A FARMERS' BILL OF
RIGHTS

Councilperson Pike offered the following resolution, which was seconded by Councilperson Civiletti:

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the following public notice to consider a local law to establish a Farmers' Bill of Rights:

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE, that a special meeting of the Town Board will be on the 18th day of December, 1989, at 7:35 o'clock p.m. at the Riverhead High School, Harrison Avenue, Riverhead, New York, for the purpose of conducting a public hearing to hear all interested persons to consider a local law to establish Chapter 66 entitled "Farmers' Bill of Rights" as attached hereto.

Dated: Riverhead, New York
December 5, 1989.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

IRENE J. PENDZICK, Town Clerk

The vote, Boschetti, abstain, Pike, yes, Civiletti, yes, Lombardi, abstain, Janoski, abstain.

The resolution was thereupon duly declared **DENIED**.

A. The Farmer's Bill of Rights

Article I. The Right to Farm in Riverhead

We find that Farming is an essential activity within the Town of Riverhead. Farmers provide fresh food, clean air, economic diversity and refreshing open spaces to all the citizens of our town. Accordingly, farmers shall have the Right to Farm in Riverhead's Farm Zones (Farm Neighborhood, Farm Preservation, or Agriculture A) and any Agricultural Resource Conservation Overlay which the Riverhead Town Planning Board may have adopted without interference from adjacent or nearby land-owners or any land users.

And, for the purpose of reducing future conflicts between people residing on tracts adjacent to or within the Farm Zones and the farmers, it is necessary to establish and give notice of the nature of farm activities to future neighbors of farmland and farming activities.

Agricultural activities conducted on farmland, undertaken in substantial compliance with applicable federal, state, county and town laws, rules and regulations, are presumed to be good agricultural practice and are presumed not to adversely affect the public health, welfare and safety. All such activities shall be Protected Farm Practices within the Town of Riverhead.

Article II. The Right to Undertake Protected Farm Practices

Farmers shall have the right to undertake Protected Farm Practices in the active pursuit of agricultural operations, including, but not limited to; clearing, grading, plowing, aerial and ground

spraying, the use of legal agricultural chemicals (including herbicides, pesticides, and fertilizers), raising horses, poultry, small livestock and cattle, processing and marketing produce, installing water and soil conservation facilities, utilizing farm crop protection devices, designing and constructing and using farm structures, including barns, stables, paddocks, fences, greenhouses, and pump houses, using water, pumping, spraying, pruning and harvesting, disposing of organic wastes on the farm, training others in the use and care of farm equipment and animals, traveling local roads in properly marked vehicles and providing local farm produce markets near farming areas.

These activities can and do generate dust, smoke, noise, vibration and odor.

Such activities which are established prior to surrounding non-agricultural activities are presumed to be reasonable and do not constitute a nuisance unless the activity has a substantial adverse effect on the public health and safety.

Article III. The Right of Notice Provided by Town Agencies

The Town Planning Board, the Town Board and the Zoning Board of Appeals shall require as part of any approval of any development in or immediately adjacent to a parcel which is in the Farm Neighborhood Zone, the Farm Preservation Zone, or the Agricultural Resource Conservation Overlay that a Notice of Protected Farm Practices be given to all purchasers, heirs and assigns.

The Notice of Protected Farm Practices shall be included in permanent Covenants and Restrictions which shall run with the land on each parcel when such parcel is subdivided or developed.

Article IV. The Right of Notice by Brokers and Agents

All persons dealing in real estate in the Town of Riverhead as owners, brokers or agents of the owner, of any parcel of land in

any of the Farm zones; the Farm Neighborhood Zone, the Farm Preservation Zone, or the Agricultural Resource Conservation Overlay shall provide to every purchaser of such a parcel an original and a copy of the Notice of Protected Farm Practices.

The Notice shall be presented at, or prior to, the time of a potential purchaser's consideration and inspection of the parcel. The person dealing in real estate shall have any such purchaser sign and date the duplicate copy of the notice. The signed copy of the Notice shall be filed with the Town clerk's office within one month of signing.

Article V. Enforcement

Failure to comply with any provision of this law shall constitute a violation of Section 108-78 of the Riverhead Town Code..

The Notice of Protected Farm Practices form shall be available to all persons required to provide such notices free of charge from the Town Clerk's office.

Article VI. Severability

If any part or provision of this law or the application thereof to any person, entity, or circumstances be adjudged invalid by any court of competent jurisdiction, such judgement shall be confined in its operation and enforcement to the part of, or such provision of or application directly involved in the controversy in which such judgement shall have been rendered and shall not affect or impair the validity of the remainder of this law or the application thereof to other persons, entities, or circumstances.

Article VII. Modification of Town Code

For all parcels subject to this legislation, the Town Zoning Code, Article 108 of the Riverhead Town Code, is hereby specifically modified.

Article VIII. Effective Date

This Local Law shall take effect immediately upon filing in the office of the Secretary of State.

Article IX. Title

This Local Law shall be known as The Farmer's Bill of Rights.

810 AUTHORIZES TOWN CLERK TO PUBLISH & POST PUBLIC NOTICE TO
CONSIDER A LOCAL LAW ESTABLISHING GUIDELINES FOR TRANSFER
OF DEVELOPMENT RIGHTS

Councilperson Pike offered the following resolution, which was seconded by Councilperson Civiletti:

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the following public notice to consider a local law establishing guidelines for Transfer of Development Rights:

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE, that a special meeting of the Town Board will be on the 18th day of December, 1989, at 7:40 o'clock p.m. at the Riverhead High School, Harrison Avenue, Riverhead, New York, for the purpose of conducting a public hearing to hear all interested persons to consider a local law establishing Chapter 99 entitled "Transfer of Development Rights" as attached hereto.

Dated: Riverhead, New York
December 5, 1989.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

IRENE J. PENDZICK, Town Clerk

The vote, Boschetti, abstain, Pike, yes, Civiletti, yes, Lombardi, abstain, Janoski, abstain.

The resolution was thereupon duly declared **DENIED**.

See comments on Page 622 of the 1989 Minute Book.

B. The Transfer of Development Rights

1. Title

This Local Law shall be known as The Local Law for the Transfer of Development Rights in the Town of Riverhead.

2. Legislative Purposes

The Town Board of the Town of Riverhead wishes to establish a policy of preserving productive farmland for farming and open space purposes in perpetuity.

The Town Board further wishes

- to enable farm owners to easily and fairly protect and liquidate the equity in their land which arises from development rights in a manner that does not render the land unusable for continued agricultural production.
- to utilize private financial investment for the preservation of farmland, the farming industry and related accessory uses in the Town of Riverhead.
- to preserve farmland with a method that does not remove development rights from the tax base.
- to provide for housing, particularly resort and second home development in areas, other than farmland, suitable for such uses.
- to enable privately financed redevelopment of deteriorated areas or areas developed with inconsistent and incompatible adjacent uses.
- to enable the Transfer of Development Rights from farmland into more appropriate areas for housing,

commercial and industrial development and other compatible uses.

•to preserve traditional customs, historic farm sites and historic corridors.

The Board intends to permanently preserve local farmland to be available, when necessary, for the local production of food essential to sustain human life.

The Board hereby establishes a legal mechanism, pursuant to both the general delegation of authority to the town to enact local laws contained in the General Municipal Law, and pursuant to the specific delegation to the town of the authority to provide for the Transfer of Development Rights enacted by the State of New York as Town Law 261-a, to enable, realize and secure these purposes.

3. Operating Principles For the Transfer of Development Rights

a. General Principles

The Town shall operate in a manner consistent with these Operating Principles, to assist with the preservation of farmland owners' equity, the consistent application of the law, the fair and principled designation of TDR Sending and Receiving Districts, the ease of use of the program and preservation of incentives for the Transfer of Development Rights.

b. Designation of Farm Preservation Zone

The TDR Sending District, known as the Farm Preservation Zone (FPZ), shall from time to time be established or expanded by the Riverhead Town Board. The Town Board shall have full discretion to designate or refuse to designate any parcel, provided that the designation is based upon the Operating Principles of TDR and the Standards for the Farm Preservation Zone herein enumerated.

Such designation shall be made by the legislative amendment of the Official Town Zoning Map to place any such parcel in the Farm Preservation Zone.

The geographic areas designated shall be reviewed, from time to time, to consider the inclusion of more areas as transfer of development rights sending areas.

c. Designation and Review of Receiving Districts

TDR Receiving Districts shall be determined by the Town and shall be reviewed from time to time, to include more areas to be developed with the transfer of development rights as Development Rights are transferred into previously designated areas.

d. The Balance of Receiving and Sending Potential

To ensure that there are sufficient receiving potential, and demand for, the available TDRs, The Town shall make every effort to ensure that there is as much designated receiving district potential (number of TDRs which can be received) as designated sending district potential (unused TDRs).

It shall be general policy to maintain a minimum of a 1.5 to 1 ratio between designated TDR receiving potential and designated TDR supply.

e. Variances on Yield Limited

The Town Zoning Board of Appeals shall take administrative notice, and enter into the record in every proceeding and appeal brought before it which involves either a sending or receiving district designated hereunder, as follows;

"The Town of Riverhead has a compelling public purpose and interest in preserving the integrity of the area, density and yield limit provisions of the local law for the Transfer of Development Rights and the Zoning Chart in all TDR Sending and Receiving Zones. Variances which affect the yield of a TDR Sending or Receiving district shall only be given to prevent a taking of private property prohibited by the United States and New York Constitutions."

g. Duration of The TDR Mechanism

The Town shall maintain the TDR program until all areas which qualify for inclusion in the Farm Preservation Zone have had their Development Rights used or transferred and extinguished. The Town's affirmative obligation to enforce and honor the Easements, Certificates and Extinguishments utilized hereunder shall be perpetual.

4. Standards for The Farm Preservation Zone

a. The Farm Preservation Zone, hereinafter "FPZ", shall include only those parcels of land which;

(1) contain substantial soils designated as "Class 1 or Class 2 Prime Agricultural Soil" in the survey prepared for the County of Suffolk by the U. S. Department of Agricultural Soil Conservation Service in 1975 and subsequent updates (This shall not be construed to indicate that all such category 1 and 2 soils must be included) **and**

(2) meet the POLICY ON PRIORITIES hereinafter set forth.

As a matter of general policy, priority shall be given in all discretionary decisions made in the designation and administrative processes established by this Local Law to designate parcels which enable the Town to;

- assemble large areas of contiguous farm parcels and open space with priority given to parcels adjacent to or near parcels with their development rights transferred out under this local law or the Suffolk County Acquisition of Development Rights Program.
- create open area spaces between all hamlet areas.
- preserve high quality farmland either actively engaged in or suitable for farmland production which is threatened by non-farmland development.
- preserve farm related historical sites or corridors.
- Remove non-farm development potential from the Water Divide running west to east in the Farmland areas.

b. Preference shall not be given to transfers out of land not suitable for active agricultural production.

5. Owner Options in The Farm Preservation Zone

The owner of land within the Farm Preservation Zone has the following options;

a. **2 Acre yield subdivision** - to develop or subdivide the property at the underlying zoning yield.

b. **Transfer all Development Rights at 1 acre yield** - to sell all the development potential of the property by the full Transfer of Development Rights, leaving all of the property available for agricultural production. This option may be exercised in several steps; not all of the Development Rights must be sold at the same time.

c. **Partial Transfer of TDRs and Partial Development** - to sell some of the development potential of the property by the Transfer of Development Rights (a partial transfer), leaving some of the property available for agricultural production and some available for development.

6. Applications for Inclusion in The Farm Preservation Zone

Owners or contract vendees of land in The Farm Neighborhood Zone ONLY may apply to the Town Board for inclusion in The Farm Preservation Zone.

Such application shall comply with all requirements for a change of zone, demonstrate compliance with the FPZ standards herein enumerated and, in addition, show that the designation of the parcel will not result in an oversupply of available TDRs, nor any violation of the TDR Operating Principles.

Satisfactory evidence that the owner has the development rights under a bonafide contract or option for transfer shall create the presumption that the designation of the parcel will not result in an oversupply of TDRs.

7. Standards for TDR Receiving Districts

As a matter of general policy, preference shall be given in the designation process and in all subsequent discretionary decisions to sites and uses which demonstrate the following;

- a. proximity to existing municipal services, particularly public water, suitable public or Suffolk County Health Department approved on-site sewage systems, and access to Fire, Emergency, and Police services and facilities.
- b. permanently sustainable coexistence with Riverhead's extensive natural resources, both on and off site.
- c. compatibility with the use of neighboring sites.

8. TDR Receiving Districts

The Town hereby designates the following areas as Receiving Districts under this Local Law. The Transfer of Development Rights can be made into these Receiving Districts only.

- a. The Resort Development Project District**
- b. Residence C District**
- c. Hamlet Redevelopment Zone**

9. The Administration of TDR Transfers

a. Transfers out of the Farm Preservation Zone

i. General Requirements

Transfers of development rights out of a parcel in the Farm Preservation Zone, which have not previously been transferred or acquired under the County of Suffolk Acquisition of Develop-

ment Rights Program, and which have not previously been completely transferred out under this TDR program, shall be made in accordance with the following procedures.

Any attempt to transfer Development Rights under this law without written approval of the documents used, the calculation of yield, the assignment of TDR serial numbers and substantial compliance with the transfer procedures shall be void.

ii. Application

Any owner of land in a Farm Preservation Zone who wishes to transfer TDRs shall provide the Town Attorney, or The Town Attorney's specifically designated representative, with completed originals of all documents hereinafter required, and a guaranteed survey of the entire property from which development rights are to be sent showing;

1. Location and exact acreage of the parcel.
2. Location and description of any and all improvements on the parcel, specifically including and describing the use of all dwellings of any nature on the parcel.
3. Location and acreage of any natural features of the parcel which under the Town Code must be deducted from the total acreage of the parcel to establish the acreage upon which yield can be calculated.
4. A calculation of the total allowable number of transferable development rights for each individual parcel calculated according to the TDR Yield formula.

iii. TDR Yield Formula

Total acres = Total TDRs.

iv. Town Attorney Review and Certification of TDRs

The Town Attorney shall review all such yields and documents, and issue the Certificate of Development Rights provided for in Town Law 261-a (2)(c).

If the documents meet with the requirements of this law and the Town Law, the Town Attorney shall approve, and in the case of the Certificate of Development Rights, certify said documents and survey, in writing, on their face. the town attorney shall also assign sequential TDR serial numbers (up to the maximum allowed) for use in all required TDR documents. TDR serial numbers shall be the full tax map number of the sending parcel with a sequential numbering (up to the number of available TDRs) appended thereto after the initials "TDR". For example, "0600 030 01 012 TDR 1" or "0600 024 03 011 TDR 2-24" are acceptable representations of TDR Serial Numbers.

If it is determined by the Town Attorney that any of the documents or the survey do not meet the requirements of this law or the Town Law, a written determination of denial outlining the inadequacy and signed by the Town Attorney shall be sent by certified mail to the applicant.

v. Required Documents and Representations

All of the following documents must be approved, in writing, on their face, by the officially designated Town Attorney of the Town of Riverhead, after all information required is completely typed in, prior to delivery or tender to any transferee, and prior to any filing hereinafter required.

1. Execution and filing of a Farmland Conservation Easement running with the sending parcel clearly stating the number of and serial number(s) for the TDRs transferred and the number of TDRs remaining, stating that the parcel is now subject to the use and yield rights and restrictions of the Farm Preservation Zone.

2. Execution and filing of an Certificate of Development Rights transferring the development rights out of the sending parcel clearly stating the number of and serial number(s) for the TDRs transferred. If a grantor wishes to retain TDRs, a Farmland Con-

servation Easement and a Certificate of Development Rights must be used.

b. Transfer into Receiving Districts

i. Integration with Existing Review Process

The procedure for review and approval of the Transfer of Development Rights into any development shall be an integral part of the review and approval process for the proposed land use and development as established by the Town Law and the Zoning Ordinance of the Riverhead Town Code.

ii. Application

The following additional requirements apply. Applications to any town board, agency, or council, which include the use of transferable development rights, shall disclose, in addition to the information otherwise required,

1. The location, land area and proposed land use of the site to which such rights are to be transferred
2. The maximum density and number of dwelling units allowed on the parcel without TDR.
3. The maximum density and number of dwelling units allowed on the parcel with TDR.
4. The proposed density or number of dwelling units for the site.
5. A presentation as to the reasonable and beneficial results anticipated from the proposed land use, demonstrating compliance with the standards for Receiving districts contained in this Local Law.
6. The name and address of the owner of the sending parcel, where the applicant is not the owner of the site from which development rights will be or have been transferred.

7. The tax map number of the sending parcel from which the Development Rights are to be or have been transferred.
8. The serial numbers and all dates of transfer of the TDRs to be utilized.
9. A notarized representation, signed by the applicant, that all statements of fact in the application are true.

iii. Requirements to complete transfer

Upon review by the board, agency or council, any approval which may be granted which includes the use of TDRs shall require the applicant to complete the following actions prior to the issuance of the final permit or approval sought:

1. If not previously accomplished for the specific TDRs being utilized by the applicant, the execution and filing of the Farmland Conservation Easement, as provided in this Local Law.
2. If not previously accomplished for the TDRs being utilized by the applicant, the execution and filing of an Certificate of Development Rights transferring the development rights out of the sending parcel.
3. Execution and filing of a TDR Extinguishment, evidencing the completed transfer of Development Rights into the receiving parcel and extinguishment of the transferable development rights and their respective serial numbers.

These documents must contain the language approved by the Town Attorney, forms for which shall be available from the Town Attorney.

In addition, there may be added such other conditions or requirements reasonably related to the purposes of this chapter as the reviewing board or agency may require.

10. Prohibited Transfers of Development Rights

a. Reverse Transfers

Development rights shall not be transferred back into any sending property once they have been transferred out through the mechanisms authorized by this Local Law or the Suffolk County Farmland Development rights acquisition program.

b. Transfers Across School District Lines

Development Rights shall not be transferred across school district lines.

c. Transfers from Existing Farmland Preservation Property

No development rights may be transferred out of parcels;

1. Which have previously had all their development rights transferred out under this Local Law or
2. Which have had their uses restricted to active farmland production or open space under the Suffolk County Acquisition of Development Rights Program or under any other easement, transfer, restrictive covenant or dedication of non-farm related development rights.

d. Transfers from Parcels not in the Farmland Preservation Zone

No development rights can be transferred under this local law from any parcel not in the Farm Preservation Zone.

11. Taxation of Development Rights

a. Sending Parcels after Complete Transfer of TDRs

Any sending parcel which has had all of its development rights transferred out of the property pursuant to this Local Law shall

be assessed at its value for active agricultural production, without requiring that the parcel be in an Agricultural District or under an Eight Year Individual Commitment pursuant to the Agriculture and Markets Law.

b. Transferred Development Rights - Extinguished

Development rights transferred under this local law, which are transferred into a Receiving parcel shall be taxed as an integral part of the Receiving parcel. For the purposes of this provision, such a transfer shall be considered effective after completion of all steps required under this local law for transfers into Receiving Districts, including, but not limited to the approval, execution and filing of a TDR Extinguishment.

12. Enforcement of Farmland Conservation Easements

a. Independent Enforcement Agency.

The Riverhead Town Planning Board shall designate an independent agency that is not under the control of the Town of Riverhead and has a corporate purpose or permanent legal charter to preserve valuable natural resources including farmland for the specific purpose of independent enforcement of the Farmland Conservation Easements required herein.

b. Easement Language.

All TDR sending sites shall have placed upon them a Farmland Conservation Easement containing covenants and restrictions which are specifically enforceable in a court of law, by the town of Riverhead and/or the independent enforcement agency. Accordingly, all Transfers of Development Rights, in addition to all other requirements set forth in this law, must be preceded by or simultaneously accompanied by the filing of a Farmland Conservation Easement containing the following language,

"The parties agree that monetary damages would not be adequate remedy for breach of any of the terms, conditions and restrictions

herein contained, and, therefore, in the event that the Grantor, its heirs, successors and assigns, violate or breach any of such terms, conditions and restrictions, herein contained, the Grantee, its successors and assigns, and/or the (insert independent enforcement agency name) may institute a suit to enjoin by ex parte, preliminary and/or permanent injunction such violation and to require the restoration of the property to its prior conditions. The Grantee, its successors and assigns, by any prior failure to act, does not waive or forfeit the right to take action as may be necessary to ensure compliance with the terms, conditions and purposes of this Easement."

13. Definitions

The definitions contained in Town Law 261-a are incorporated herein by reference.

14. Modification of Town Code

For all parcels subject to this legislation, the Town Zoning Code, Article 108 of the Riverhead Town Code, is hereby specifically modified.

15. Severability

If any part or provision of this law or the application thereof to any person, entity, or circumstances be adjudged invalid by any court of competent jurisdiction, such judgement shall be confined in its operation and enforcement to the part of, or such provision of or application directly involved in the controversy in which such judgement shall have been rendered and shall not affect or impair the validity of the remainder of this law or the application thereof to other persons, entities, or circumstances.

16. Effective Date

This law shall take effect immediately upon filing in the office of the Secretary of State.

The Farm Neighborhood Zone

a. Purpose

The purpose of the Farm Neighborhood Zone is to provide for the development of residential lots and to ensure the conservation of prime agricultural soils in a manner consistent with accepted agricultural land use practice.

In order to implement the recommendations of the Town Master Plan for Agricultural Areas and The Wading River Hamlet Study, the Planning Board, in its review of subdivision of lands within the Farm Neighborhood Zone, shall require the subdivider to reserve 60 percent of total acreage in agricultural lots (Farmlots) held in fee where it will further the goals of conservation of prime soils and the provision of plats which support the orderly, efficient and economical development of the Town of Riverhead.

All parcels in the Farm Neighborhood Zone are subject to The Farmers Bill of Rights.

b. Permitted Uses

In the Farm Neighborhood Zone, no building, structure or premises shall be used or arranged or designed to be used, and no building or structure shall be hereafter erected, reconstructed or altered, unless otherwise specifically provided for in this chapter, except for two (2) of the following permitted uses, and their customary accessory uses:

- (1) Agriculture.
- (2) Horse farms.

- (3) Vineyards and Wineries.
- (4) Greenhouses.
- (5) Home occupations.
- (6) Museums or Historical Exhibits
- (7) One-family dwelling.
- (8) Parks, playground.
- (9) Riding academy and corral.
- (10) Cemetery.
- (11) Churches, parish houses, rectory, or convent.

c. Accessory Uses

Accessory uses shall include those uses customarily incidental to any of the above permitted uses when located on the same lot. Specifically

permitted are the following:

- (1) The sale at retail of homegrown or home made products mainly raised or produced on the premises;
- (2) Home occupations or professions conducted within the dwelling by the residents thereof or in a building accessory thereto;
- (3) Private garages, private boathouses, greenhouses, barns, storage equipment buildings, and other similar accessory buildings.

d. General Lot, Yard and Height Requirements

The Calculation of Yield - The yield calculation for subdivision in the Farm Neighborhood Zone shall require a yield map which depicts the following:

(1) The provision of roadways designed in such a manner as to be acceptable to the Highway Superintendent if offered for dedication and as to provide for orderly transportation with regard to existing streets and future development of access to adjoining lots;

(2) The provision of recharge areas required to accommodate storm water from public roadways;

(3) Residential lots subject to the following criteria:

(a) Minimum lot area of 80,000 square feet exclusive of all areas excluded from yield under Chapter 108-95.

(b) Minimum lot width of 200 feet.

(c) Maximum building area of 10 percent

(d) Maximum height of 35 feet.

(e) Minimum front yard depth of 80 feet.

(f) Minimum side yard width of 30 feet.

(g) Minimum side yard width abutting a side street of 80 feet.

(h) Minimum both side yard total width of 75 feet.

(i) Minimum rear yard depth of 100 feet.

(j) Minimum residential living areas of 1,000 square feet.

Farmlot subdivision - Where a parcel to be subdivided contains a minimum of sixty percent of the buildable area in Class I or Class II soils as defined by the USDA Soil Survey, the Planning Board shall require that farmlot subdivision be undertaken to preserve the Class I or Class II soils.

For its review of farmlot subdivisions, the Planning Board Shall require a cluster map which provides the following depictions;

Farmlots

- (1) Farmlots shall be at least eleven (11) acres in size, with an agricultural production easement permanently precluding further subdivision placed on a minimum of ten (10) acres;
- (2) Farmlots shall be sited to preserve the greatest amount of Prime soils as possible;
- (3) Farmlots shall be located in proximity to active farmland to provide for contiguous agricultural land use.

Residential Lots

Residential lots shall be sited according to the following to the greatest extent practical:

- (1) Adjacent to planned residential neighborhoods;
- (2) In proximity to existing or newly designated Hamlet Centers.
- (3) In proximity to existing or planned public facilities in order to create a coordinated development pattern.
- (4) Upon the soils on the parcel not classified as I or II by the USDA Soil Survey;
- (5) Residential lots shall meet the following dimensional criteria:
 - (a) Minimum lot area of 27,500 square feet.
 - (b) Minimum lot width of 125 feet.
 - (c) Maximum building area of 20 percent
 - (d) Maximum height of 35 feet.
 - (e) Minimum front yard depth of 50 feet.
 - (f) Minimum side yard width of 20 feet.
 - (g) Minimum side yard width abutting a side street of 80 feet.
 - (h) Minimum both side yard total width of 45 feet.

- (i) Minimum rear yard depth of 50 feet.
- (j) Minimum residential living area of 1,000 square feet.

e. Transfer of Development Rights

Parcels in The Farm Neighborhood Zone may be rezoned into the Farm Preservation Zone under the Local Law for the Transfer of Development Rights. Development Rights shall not be transferred out of the Farm Neighborhood Zone under said Local Laws until such zone change is approved by the Town Board.

f. Accessory Buildings and Structures

No accessory building or structure shall be erected, reconstructed, or altered so as to be situate as follows:

- (1) In a front yard;
- (2) In a side yard unless the accessory building is fifty (50) feet from a side street, twenty (20) feet from a property line, and fifty (50) feet from any other building.
- (3) In a rear yard unless the accessory building is twenty (20) feet from a property line, fifty (50) feet from any other building, and fifty (50) feet from a side street line and rear street line;
- (4) One (1) accessory building with a maximum floor area of one hundred (100) square feet or less, located in the rear yard, shall be excepted from the provisions of the aforementioned and shall not require a permit. It shall be permitted five (5) feet from a property line, ten (10) feet from any other building, and forty (40) feet from a side street line.

g. Additional Requirements

- (1) The Sound Avenue Historic Corridor

The Sound Avenue Historic Corridor shall consist of all lands within One thousand feet, measured perpendicularly, from Sound Avenue extending from the intersection of Sound Avenue and Route 25A in Wading River east to the Riverhead-Southold Town border. It shall also include all lands on the north side of

Sound Avenue within 1/2 mile of the Hallockville Homestead site.

The Sound Avenue Historic Corridor shall be depicted on the Town Master plan map and the Town Zoning Map.

Where physically possible, all subdivision, development and construction, other than farm related or historic structures, shall be clustered away from and outside The Sound Avenue Historic Corridor. Where this is not possible, all construction and improvements, other than farm related or historic structures, shall be subject to full review of the Architectural Review Board.

(2) Nonresidential and non-agricultural uses shall require a site plan to be approved in conformance with Article XXVI.

The Farm Preservation Zone

a. Purpose

The purpose of the Farm Preservation Zone is to provide for the continued use of prime agricultural parcels for Agricultural Production in conformance with the Master Plan of the Town of Riverhead.

The Town Farm Preservation Zone shall consist of all lots from which TDRs can be or have been either partially or wholly transferred under this local law. The Town intends to provide for these land use patterns:

- large expanses of open productive farmland,
- integrated farm production operation.
- reduced residential intrusion and interference.

The Farm Preservation Zone is the sending district for the Transfer of Development Rights under the local law for the Transfer of Development Rights.

All parcels in the Farm Neighborhood Zone are subject to The Farmers Bill of Rights.

b. Permitted Uses

In the Farm Preservation Zone, no building, structure or premises shall be used or arranged or designed to be used, and no building or structure shall be hereafter erected, reconstructed or altered, unless otherwise specifically provided for in this chapter, except for two (2) of the following permitted uses, and their customary accessory uses:

- (1) Agriculture.
- (2) Horse farms.
- (3) Vineyards and Wineries.
- (4) Retail sale of produce and products grown or raised on site.
- (5) Greenhouses, Plant Nursery.
- (6) Farm Museums or Farm Historical Exhibits
- (7) One-family dwelling.
- (8) Parks, playground.
- (9) Riding academy and corral.
- (10) Cold Storage Plant.
- (11) Vegetable or fruit grading or storage

c. Special Permit Uses

- (1) Camp, type 6

d. Accessory Uses

Accessory uses shall include those uses customarily incidental to any of the above permitted uses when located on the same lot. Specifically permitted are the following:

- (1) The sale at retail of homegrown or home made products mainly raised or produced on the premises;
- (2) Home occupations or professions conducted within the dwelling by the residents thereof or in a building accessory thereto;
- (3) Private garages, private boathouses, greenhouses, barns, storage equipment buildings, and other similar accessory buildings.

e. Accessory uses after complete TDR Transfer.

Where a parcel has had all of its transferable development rights transferred out, and where only allowed farm related and accessory uses are developed on the parcel, it shall be possible for the parcel to be developed with more intensive Agricultural Production Facilities such as;

Farm product production and manufacturing using at least 60% raw material grown on site.

Farm equipment repair and maintenance services provided to others.

Farmer's market - a unified center for retail sales of farm products, including products grown or produced off site.

An application for any such use, not otherwise allowed, shall be made in compliance with the procedures for a special permit, with the additional requirement that the applicant shall state under oath, and provide documentary evidence, that the parcel has had all of its transferable development rights transferred out, and that there are only allowed farm related and accessory uses on the parcel.

f. General Lot, Yard and Height Requirements Where No TDRs have been Transferred.

For its review of subdivision of a parcel from which TDRs have not been transferred, the Planning Board shall require a cluster map which provides the following depictions;

Farmlots

- (1) Farmlots shall be at least eleven (11) acres in size, with an agricultural production easement permanently precluding further subdivision placed on a minimum of ten (10) acres;
- (2) Farmlots shall be sited to preserve the greatest amount of prime soils as possible;

(3) Farmlots shall be located in proximity to active farmland to provide for contiguous agricultural land use.

Residential Lots

Residential lots shall be sited according to the following to the greatest extent practical:

- (1) Adjacent to planned residential neighborhoods;
- (2) In proximity to existing or newly designated Hamlet Centers.
- (3) In proximity to existing or planned public facilities in order to create a coordinated development pattern.
- (4) Upon the soils on the parcel not classified as I or II by the USDA Soil Survey;
- (5) Residential lots shall meet the following dimensional criteria:
 - (a) Minimum lot area of 27,500 square feet.
 - (b) Minimum lot width of 125 feet.
 - (c) Maximum building area of 20 percent
 - (d) Maximum height of 35 feet.
 - (e) Minimum front yard depth of 50 feet.
 - (f) Minimum side yard width of 20 feet.
 - (g) Minimum side yard width abutting a side street of 50 feet.
 - (h) Minimum both side yard total width of 45 feet.
 - (i) Minimum rear yard depth of 50 feet.
 - (j) Minimum residential living area of 1,000 square feet.

g. General Lot, Yard and Height Requirements and On Site Yield after Partial Transfers of TDRs.

For its review of the subdivision of a parcel from which TDRs have been transferred, the Planning Board shall require a cluster map which provides for the requirements of section f above, except as specifically modified and superseded by this section.

1. Retention of TDRs - Each lot shall require the retention of ten acres worth of development rights (10 TDRs not transferred). Retained development rights for the creation of lots may not thereafter be transferred and are extinguished upon the filing of the subdivision map with the County Clerk.

2. Farmlots - Farmlots shall be at least twenty two (22) acres in size, with an agricultural production easement permanently precluding further subdivision placed on a minimum of twenty (20) acres;

3. Residential lots - Residential lots shall meet the following dimensional criteria:

- (a) Minimum lot area of 80,000 square feet.
- (b) Maximum building area of 10 percent
- (c) Maximum height of 35 feet.
- (d) Minimum front yard depth of 80 feet.
- (f) Minimum side yard width of 30 feet.
- (g) Minimum side yard width abutting a side street of 75 feet.
- (h) Minimum both side yard total width of 75 feet.
- (i) Minimum rear yard depth of 100 feet.
- (j) Minimum residential living area of 1,000 square feet.

h. Additional Requirements

(1) The Sound Avenue Historic Corridor

The Sound Avenue Historic Corridor shall consist of all lands within One thousand feet, measured perpendicularly, from Sound Avenue extending from the intersection of Sound Avenue and Route 25A in Wading River east to the Riverhead-Southold Town border. It shall also include all lands on the north side of Sound Avenue within 1/2 mile of the Hallockville Homestead site.

The Sound Avenue Historic Corridor shall be depicted on the Town Master plan map and the Town Zoning Map.

Where physically possible, all subdivision, development and construction, other than farm related or historic structures, shall be clustered away from and outside The Sound Avenue Historic Corridor. Where this is not possible, all construction and improvements, other than farm related or historic structures, shall be subject to full review of the Architectural Review Board.

(2) Nonresidential and non-agricultural uses shall require a site plan to be approved in conformance with Article XXVI.

The Resort Development Project Zone

a. Policy for the Zoning District

The Resort Development Project Zone is intended to encourage the construction of planned resort developments, primarily clustered or attached resort housing complexes with private recreational facilities. These developments shall provide and maintain private infrastructure and facilities when considered practical by the Town Planning Board.

b. Permitted Uses

In the Resort Development Project Zone, no building, structure or premises shall be used or arranged or designed to be used, and no building or structure shall be hereafter erected, reconstructed or altered, unless otherwise specifically provided for in this chapter, except for two (2) of the following permitted uses, special permit or special exception uses and their customary accessory uses:

- (1) Agriculture.
- (2) Horse farms.
- (3) Vineyards and Wineries.
- (4) Retail sale of agricultural produce and products grown and produced on site.
- (5) Museums or Historical Exhibits
- (6) Churches, parish houses, rectory and convent.

- (7) Colleges and universities.
- (8) Golf course (standard) and club.
- (9) Libraries.
- (10) One-family dwelling.
- (11) Parks, playground.
- (12) Community center.
- (13) Riding academy and corral.
- (14) Home Professional Offices.
- (15) Beach clubs.
- (16) Yacht clubs.

d. Special Permit Uses

- (1) Multiple-Family Dwellings condominiums, homeowner associations and cooperatives designed to provide both residential and recreational facilities.
- (2) Residential resort developments
- (3) Marinas
- (4) Restaurants.

e. General Lot, Yard and Height Requirements

No building shall be erected nor any lot or land area utilized in the Resort Development Project Zone unless previously approved under Site Plan Review under Article XXVI of the Town Code in conformance with the Zoning Schedule incorporated in this Chapter by reference.

The Resort Development Project Zone shall, to the greatest extent possible, provide flexibility in construction of buildings and structures.

1. Single family Subdivision:

(a) Minimum lot area of 80,000 square feet exclusive of all areas excluded from yield under Chapter 108-95.

(b) Minimum lot width of 200 feet.

(c) Maximum building area of 10 percent

(d) Maximum height of 35 feet.

(e) Minimum front yard depth of 80 feet.

(f) Minimum side yard width of 30 feet.

(g) Minimum side yard width abutting a side street of 80 feet.

(h) Minimum both side yard total width of 75 feet.

(i) Minimum rear yard depth of 100 feet.

(j) Minimum residential living areas of 1,000 square feet.

2. Multifamily attached units, whether condominiums, cooperatives, resorts, or homeowner associations, may be developed up to a maximum yield of four (4) units per acre as provided herein;

(a) A yield greater than .5 units per acre requires the use of transferred development rights, as follows

i. A minimum number of TDRs, equal in number to 50% of the buildable acres of the site, must be transferred to the site. (e.g. On one hundred acres, a minimum of 50 TDRs must be transferred in). ii. If the minimum number of TDRs are transferred, they, and any additional TDRs are then added to a base number of units (a density bonus based on one Acre yield), equal in number to the buildable acres of the site. (e.g. On one hundred acres, the base number of units is 100).

811 AUTHORIZES TOWN CLERK TO PUBLISH & POST PUBLIC NOTICE TO CONSIDER THE ADDITION OF FARM PRESERVATION ZONE, FARM NEIGHBORHOOD ZONE AND RESORT DEVELOPMENT PROJECT ZONE TO THE RIVERHEAD TOWN CODE AND TO AMEND THE ZONING USE DISTRICT MAP OF THE TOWN OF RIVERHEAD

Councilperson Pike offered the following resolution, which was seconded by Councilperson Civiletti:

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the following public notice to consider the addition of Farm Preservation Zone, Farm Neighborhood Zone and Resort Development Project Zone to the **Riverhead Town Code**:

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE, that a public hearing will be held on the 18th day of December, 1989, at 7:45 o'clock p.m. at the Riverhead High School, Harrison Avenue, Riverhead, New York, to hear all interested persons to consider the addition of Article XXXV entitled "Farm Preservation Zone", Article XXXVI entitled "Farm Neighborhood Zone" and Article XXXVII entitled "Resort Development Project Zone" to the **Riverhead Town Code** as each is attached hereto and to amend the Zoning Use District Map of the Town of Riverhead.

Dated: Riverhead, New York
December 5, 1989.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

IRENE J. PENDZICK, Town Clerk

The vote, Boschetti, abstain, Pike, yes, Civiletti, yes, Lombardi, abstain, Janoski, abstain.

The resolution was thereupon duly declared **DENIED**.

812 AUTHORIZES TOWN CLERK TO PUBLISH & POST PUBLIC NOTICE TO
CONSIDER AMENDMENTS TO RESIDENCE C ZONING USE DISTRICT OF
THE RIVERHEAD TOWN CODE

Councilperson Pike offered the following resolution, which was seconded by Councilperson Civiletti:

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the following public notice to consider amendments to the Residence C Zoning Use District of the Riverhead Town Code:

TOWN OF RIVERHEAD
PUBLIC NOTICE

PLEASE TAKE NOTICE, that a public hearing will be held on the 18th day of December, 1989, at 7:50 o'clock p.m. at the Riverhead High School, Harrison Avenue, Riverhead, New York, to hear all interested persons to consider amendments Section 108-20 "Residence C Zoning Use District" of the Riverhead Town Code as attached hereto

Dated: Riverhead, New York
December 5, 1989.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

IRENE J. PENDZICK, Town Clerk

The vote, Boschetti, abstain, Pike, yes, Civiletti, yes, Lombardi, abstain, Janoski, abstain.

The resolution was thereupon duly declared DENIED.

See comments on Page 622 of the 1989 Minute Book.

PROPOSED AMENDMENT TO SECTION 108-20 OF
THE RIVERHEAD TOWN CODE

108-20. Condominiums, homeowner associations and cooperatives.

Purpose.

In order to ~~partially~~ implement the housing inventory and farmland conservation objectives of the ~~Comprehensive Plan dated 1973~~ comprehensive Master Plan of the Town of Riverhead of 1973, as revised in 1989, for the Riverhead Hamlet area, and while observing the objectives with reference to ~~this~~ the Hamlet's overall population capacity, the Town Board may approve condominium, homeowner association, or cooperative housing developments within the Residence C Zoning Use District situate in the Riverhead Hamlet through the application of Sections 276 through 278 and Section 281 of Article 16 of the Town Law, provided that the following requirements are met:

- A. The proposed ~~condominium~~ site shall be at least six (6) acres in area and served by the Riverhead Sewer and Riverhead Water Districts;
- B. The dwelling unit densities permitted shall be based on the number of bedrooms per dwelling unit, which number shall be incorporated as a filed restriction in all deeds and titles related to the ~~condominium~~ site as follows:
 - (1) Three bedroom dwelling units: two and three tenths (2.3) per bedroom;
 - (2) Two bedroom dwelling units: three and five tenths (3.5) per acre;
 - (3) One bedroom dwelling units: seven (7.0) per acre;
 - (4) Studies, dens, or similar potential bedrooms shall be counted as bedrooms, and the overall dwelling unit density for the entire ~~condominium~~ site shall not exceed five (5) dwelling units per acre;
 - (5) That any residential yield in excess of two (2) units per acre shall be predicated upon the use of transferred development rights at a rate of one (1) additional residential unit per transferred development right transferred. Such transfer shall be made under the authority of Chapter 99 of the Riverhead Town Code.

813 APPROVES SITE PLAN OF MAIN STREET MOBIL STATION (SUKRU ILGIN)

Councilperson Civiletti offered the following resolution, which was seconded by Councilperson Lombardi:

WHEREAS, a site plan and elevations were submitted by Sukru Ilgin for redevelopment of the Mobil Service Station site, including the removal of existing bays, the construction of two (2) canopies over relocated pump islands, and associated paving, drainage, and planting located at the south side of East Main Street (New York State Route 25), 410.8' east of McDermott Avenue, Riverhead, New York, known and designated as Suffolk County Tax Map Number 0600-129-4-17; and

WHEREAS, the Planning Department has reviewed the site plan dated June, 1989, and most recently revised August, 1989, as prepared by William R. Suckow, P.E., 92 Palmer Drive, Sayville, NY 11782, and elevations dated November 7, 1989, as prepared by William R. Suckow, P.E., 92 Palmer Drive, Sayville, NY 11782 and Madison Industries, Inc., of GA, P.O. Box 131, Conyers, GA 30207, and has recommended to the Town Board of the Town of Riverhead that said site plan application be approved WITH AMENDMENTS; and

WHEREAS, the Environmental Quality Review Board has determined that the action is a(n) Type I Action without significant impact upon the environment; and

WHEREAS, based upon the Town Board's review of the Environmental Assessment Form and the proceedings had herein, the Town Board determines that the site plan applied for will be a(n) Type I Action without a significant impact upon the environment pursuant to the State Environmental Conservation Law and 6 NYCRR Part 617; and

WHEREAS, this Town Board has reviewed the site plan and elevations aforementioned.

NOW, THEREFORE, BE IT

RESOLVED, that the site plan and elevations submitted by Sukru Ilgin, for redevelopment of the Mobil Service Station site, including the removal of existing bays, the construction of two (2) canopies over relocated pump islands, and associated paving, drainage, and planting, located at the south side of East Main Street (New York State Route 25), 410.8' east of McDermott Avenue, Riverhead, New York, site plan dated June, 1989, and most recently revised August, 1989, as prepared by William R. Suckow, P.E., 92 Palmer Drive, Sayville, NY 11782, and elevations dated November 7, 1989, as prepared by William R. Suckow, P.E., 92 Palmer Drive, Sayville, NY 11782 and Madison Industries, Inc., of GA, P.O. Box 131, Conyers, GA 30207, be and are hereby

approved by the Town Board of the Town of Riverhead AS AMENDED in-house and initialled by a majority of this Board, subject to the following:

1. That the provisions of the Riverhead Town Code, which are not addressed by this resolution, or other official action of the Town shall, at all times, be complied with by the owner of the property covered by this site plan;

2. That a covenant containing all the limitations and provisions of these approvals contained in this resolution, in a form as attached, shall be recorded with the Suffolk County Clerk and a copy of such recorded covenant shall be filed with the Riverhead Town Clerk. This resolution shall not become effective until such covenant is duly recorded with the Suffolk County Clerk's Office and filed with the Riverhead Town Clerk;

3. That the form, design, location and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan process and the sign permit procedure prior to being installed at the property; that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the Riverhead Town Code shall be complied with, and that all tenants shall be apprised of said requirements as well as those of Section 108-110.7 and any restrictions imposed as a condition of the site plan approval granted herein;

4. No lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;

5. That the applicant is familiar with the Riverhead Town Code, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal", and Chapter 98, prohibiting the accumulation of litter, and agrees to abide by same;

6. That receptacles of a decorative design, approved by the Planning Department prior to their installation at the site, shall be maintained on the premises;

7. Parking, paving and drainage shall be provided pursuant to specifications outlined in the Riverhead Town Code;

8. That the parking area shall be maintained pursuant to specifications outlined in the Riverhead Town Code;

9. That adequate parking for the handicapped, pursuant to State and Federal law, shall be provided and that each handicap stall shall be designated by an individual sign erected on a stanchion stating, "No Parking, Handicap Only", and the universal symbol affixed thereto. Further, by execution and filing of this document, SUKRU ILGIN hereby authorizes and consents to the Town of Riverhead to enter premises at the south

side of East Main Street (New York State Route 25), 410.8' east of McDermott Avenue, Riverhead, New York, to enforce said handicapped parking regulations;

10. That by execution and filing of this document, SUKRU ILGIN hereby authorizes and consents to the Town of Riverhead to enter premises at the south side of East Main Street (New York State Route 25), 410.8' east of McDermott Avenue, Riverhead, New York, to enforce any and all codes, ordinances, and regulations of the Town of Riverhead;

11. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter; and that any planters, planter boxes, window boxes or other container plantings shall likewise be maintained on a year-round basis;

12. That all utilities shall be constructed underground;

13. That those items denoted in-house on the drawings initialled by a majority of the Riverhead Town Board shall be specific conditions of this approval;

14. That a condition of this approval shall be the continued availability of compressed air as a service to the general public; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Sukru Ilgin, Adman Nafifoglu, William R. Suckow, P.E., Madison Industries, Inc. of GA, the Riverhead Planning Department, the Riverhead Building Department, and the Office of the Town Attorney.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, absent.

The resolution was thereupon duly declared adopted.

DECLARATION AND COVENANTS

THIS DECLARATION, made the _____ day of _____, 1989, made by SUKRU ILGIN, residing at 1000 Haywater Road, Cutchoque, New York, 11935, Declarant.

W I T N E S S E T H:

WHEREAS, Declarant is the owner of certain real property situate in the Town of Riverhead, Suffolk County, New York, more particularly bounded and described as set forth in SCHEDULE "A" annexed hereto, as provided by Declarant; and

WHEREAS, for and in consideration of the granting of said site plan, the Town Board of the Town of Riverhead has deemed it to be in the best interests of the Town of Riverhead, and the owner and prospective owners of said parcel, that the within covenants and restrictions be imposed on said parcel, and as a condition of granting said site plan and said Town Board has required that the within Declaration be recorded in the Suffolk County Clerk's Office; and

WHEREAS, Declarant has considered the foregoing and determined that same will be in the best interest of the Declarant and subsequent owners of said parcel.

NOW, THEREFORE, THIS DECLARANT WITNESSETH:

That Declarant, for the purpose of carrying out the intentions above expressed, does hereby make known, admit, publish, covenant and agree that the said premises herein described shall hereafter be subject to the following covenants which shall run with the land, and shall be binding upon all purchasers and holders of said premises, their heirs, executors, legal representatives, distributees, successors and assigns; to wit:

1. That the provisions of the Riverhead Town Code, which are not addressed by this resolution, or other official action of the Town shall, at all times, be complied with by the owner of the property covered by this site plan;

2. That the form, design, location and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan process and the sign permit procedure prior to being installed at the property; that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the Riverhead Town Code shall be complied with, and that all tenants shall be apprised of said requirements as well as those of Section 108-110.7 and any restrictions imposed as a condition of the site plan approval granted herein;

3. No lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;

4. That the applicant is familiar with the Riverhead Town Code, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal", and agrees to abide by same;

5. That receptacles of a decorative design, approved by the Planning Department prior to their installation at the site, shall be maintained on the premises;

6. Parking, paving and drainage shall be provided pursuant to specifications outlined in the Riverhead Town Code;

7. That the parking area shall be maintained pursuant to specifications outlined in the Riverhead Town Code;

8. That adequate parking for the handicapped, pursuant to State and Federal law, shall be provided and that each handicap stall shall be designated by an individual sign erected on a stanchion stating, "No Parking, Handicap Only", and the universal symbol affixed thereto;

9. That by execution and filing of this document, SUKRU ILGIN hereby authorizes and consents to the Town of Riverhead to enter premises at the south side of East Main Street (New York State Route 25), 410.8' east of McDermott Avenue, Riverhead, New York, to enforce any and all codes, ordinances, and regulations of the Town of Riverhead;

10. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter; and that any planters, planter boxes, window boxes or other container plantings shall likewise be maintained on a year-round basis;

11. That all utilities shall be constructed underground;

12. That a condition of this approval shall be the continued availability of compressed air as a service to the general public.

Declarant has hereunto set his (her) hand and seal the day and year above first written.

SUKRU ILGIN

STATE OF NEW YORK)
) ss. :
COUNTY OF SUFFOLK)

On the _____ day of _____, 1989, before me personally came SUKRU ILGIN, to me known and known to be the individual who executed the foregoing instrument; that (s)he is the owner of certain real property located at the south side of East Main Street (New York State Route 25), 410.8' east of McDermott Avenue, Riverhead, New York, the subject property of this Declaration and Covenant, and understands the content thereof; and that (s)he did swear to me that (s)he executed the same.

NOTARY PUBLIC

814 AMENDS SITE PLAN OF DR. ANTONIO FLORES

Councilperson Lombardi offered the following resolution, which was seconded by Councilperson Civiletti:

WHEREAS, the Town Board of the Town of Riverhead, by Resolution #444 dated June 20, 1989, did approve the site plan of Dr. Antonio Flores for the renovation of existing buildings at 729 Roanoke Avenue, Riverhead, New York, known and designated as Suffolk County Tax Map Number 0600-126-2-7, and

WHEREAS, the covenants associated with the subject site plan were filed with the Suffolk County Clerk and a building permit application was made and approved, and

WHEREAS, Dr. Antonio Flores has petitioned the Town Board for an amendment to said site plan approval, which amendment includes a 427 square foot building addition and asphalt paving material, as per site plan prepared by Donald A. Denis, AIA, P.C., P.O. Box 565, Aquebogue, New York, dated February 13, 1989, and last revised November 13, 1989, and elevations also prepared by Donald A. Denis, AIA, P.C., dated May 25, 1989, and last revised November 9, 1989, and

WHEREAS, this Planning Department has reviewed said amendment and has recommended that the Town Board approve said amendment, and

WHEREAS, based on the Town Board's review of the Environmental Assessment Form and the proceedings had herein, the Town Board determines that the amendment applied for will be an Unlisted Action without a significant impact upon the environment pursuant to the New York State Environmental Conservation Law and 6 NYCRR Part 617, and

WHEREAS, this Town Board has reviewed the site plan and elevations aforementioned;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby modifies the site plan approval of Dr. Antonio Flores to reflect the site plan, prepared by Donald A. Denis, AIA, P.C., P.O. Box 565, Aquebogue, New York, dated February 13, 1989, and last revised November 13, 1989, and elevations, also prepared by Donald A. Denis, AIA, P.C., dated May 25, 1989, and last revised November 9, 1989, and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Dr. Antonio Flores, Donald A. Denis, AIA, P.C., Allen M. Smith, Esq., the Riverhead Planning Department, Building Department, and Office of the Town Attorney.

The vote, Boschetti, yes Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, absent.

The resolution was thereupon duly declared adopted.

815 PROMOTES WILLIAM BILSKI OF HIGHWAY DEPARTMENT TO POSITION OF CREW LEADER

Councilperson Boschetti offered the following resolution which was seconded by Councilperson Pike.

WHEREAS, due to the retirement of Stephen Punda, Sr. from his position of Crew Leader with the Riverhead Highway Department a vacancy will exist in that position; and

WHEREAS, it is the recommendation of Highway Superintendent Charles Bloss that William Bilski be promoted to said position.

NOW, THEREFORE, BE IT RESOLVED, that William Bilski be and is hereby promoted to the position of Crew Leader with the Riverhead Highway Department effective December 11, 1989 at the annual salary of \$29,401.14 as set forth by Group 12, Step 12 of the 1989 CSEA Operational & Technical Salary Schedule.

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to William Bilski, Charles Bloss and the Office of Accounting.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, absent.

The resolution was thereupon duly declared adopted.

816 PROMOTES JAMES WARNER OF HIGHWAY DEPARTMENT TO POSITION
OF AUTOMOTIVE EQUIPMENT OPERATOR

Councilperson Pike offered the following resolution
which was seconded by Councilperson Boschetti.

WHEREAS, it is the recommendation of Highway Superintendent
Charles Bloss to promote James Warner of the Riverhead Highway
Department to the position of Automotive Equipment Operator; and

WHEREAS, James Warner has secured his Class 3 license
necessary to serve in said position.

NOW, THEREFORE, BE IT RESOLVED, that James Warner be and is
hereby promoted to the position of AEO with the Riverhead Highway
Department effective December 11, 1989 at the annual salary of
\$21,268.44 as set forth in Group 6, Step 3 of the 1989 CSEA
Operational & Technical Salary Schedule; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby
authorized to forward a certified copy of this resolution to
James Warner, Charles Bloss and the Office of Accounting.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes,
Lombardi, yes, Janoski, absent.

The resolution was thereupon duly declared adopted.

817 REINSTATES ROBERT SENG TO THE POSITION OF SITE PLAN REVIEWER IN THE BUILDING DEPARTMENT

Councilperson Civiletti offered the following resolution which was seconded by Councilperson Lombardi.

WHEREAS, Robert Send presently is on a six-month leave of absence from his position of Site Plan Reviewer with the Riverhead Building Department; and

WHEREAS, said six-month leave of absence does not expire until February 11, 1989; and

WHEREAS, Robert Seng has requested in writing to return to his position of Site Plan Reviewer effective December 26, 1989.

NOW, THEREFORE, BE IT RESOLVED, that the leave of absence from his position of Site Plan Reviewer be and is hereby terminated and he is reinstated to his position of Site Plan Reviewer effective December 26, 1989 at the annual salary of \$30,542.54, Group 7, Step 3 of the Administrative Salary Schedule; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Robert Seng, Ray Wiwczar and the Office of Accounting.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, absent.

The resolution was thereupon duly declared adopted.

Date _____

No. 818

COUNCILPERSON Lombardi offered the following resolution which was seconded by COUNCILPERSON Civiletti.

RESOLVED, that the Supervisor be and hereby is, authorized to establish the following Budget for Peconic Bay Boulevard 1989 Capital Project.

BUDGET ADOPTION

PECONIC BAY BOULEVARD 1989 CAPITAL PROJECT

864.4.5730.001	Proceeds from Bonds	\$30,000.00
864.5.8540.301	Construction	\$23,000.00
864.5.8540.302	Engineering	4,000.00
864.5.8540.303	Contingency	3,000.00

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#819 AUTHORIZES PAYMENT OF BILLS.

Councilman Boschetti offered the following resolution which was seconded by Councilwoman Pike.

RESOLVED, that the Supervisor be and is hereby authorized to pay the following:

GENERAL TOWN

Abstract #25 vouchers 4201-4355 totalling \$ 625,108.70

HIGHWAY

Abstract #25 vouchers 520-534 totalling \$ 91,018.40

STREET LIGHTING

Abstract #25 vouchers 166-168 totalling \$ 25,552.92

PUBLIC PARKING

Abstract #25 vouchers 109-112 totalling \$ 8,053.47

PARKING METER

Abstract #25 vouchers 7-8 totalling \$ 488.90

POLICE ATHLETIC LEAGUE

Abstract #25 vouchers 9-10 totalling \$ 615.00

DISCRETIONARY

Abstract #25 vouchers 251-255 totalling \$ 33,154.01

MUNICIPAL GARAGE

Abstract #25 vouchers 194-233 totalling \$ 12,075.45

MUNICIPAL FUEL

Abstract #25 vouchers 38-40 totalling \$ 3,719.33

PUBLIC PARKING DEBT SERVICE

Abstract #25 no vouchers listed totalling \$ 294.77

GENERAL TOWN DEBT SERVICE

Abstract #25 no vouchers listed totalling \$ 534.03

TOWN HALL CAPITAL PROJECTS

Abstract #25 vouchers 147-154 totalling \$ 723,266.29

TRUST & AGENCY

Abstract #25 no vouchers listed totalling \$ 723,266.29

EIGHT HUNDRED SERIES

Abstract #25 vouchers 64-72 totalling \$ 47,246.46

YOUTH SERVICES

Abstract #25 vouchers 65-66 totalling \$ 2,187.50

SENIORS HELPING SENIORS

Abstract #25 vouchers 109-118 totalling \$ 3,083.94

EISEP

Abstract #25 vouchers 78-86 totalling \$ 2,041.67

The vote, Boschetti, yes, Pike, yes, Civiletti, yes,
Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

820 MAKES FINDINGS STATEMENT ON PETITION OF CHESTERFIELD ASSOCIATES

Councilperson Boschetti offered the following resolution, which was seconded by Councilperson Pike:

WHEREAS, the Riverhead Town Board is in receipt of a change of zone and special permit petition for a 16.56 acre parcel from Agriculture A to Redevelopment Community District; such petition sponsored by Chesterfield Enterprises, and

WHEREAS, the Riverhead Town Board, as Lead Agency, has accepted a Draft Environmental Impact Statement respecting the petition and has further accepted a Final Environmental Impact Statement respecting the subject petition, and

WHEREAS, the Riverhead Planning Department has prepared a Findings Statement on the subject petition in conformance with 6 NYCRR Part 617;

NOW, THEREFORE, BE IT

RESOLVED, that after careful consideration of the SEQR record together with applicable information and data made available to this Board, the Riverhead Town Board as Lead Agency hereby accepts the attached Findings Statement with respect to the petition of Chesterfield Associates, and

BE IT FURTHER

RESOLVED, that the Planning Director be directed to file those notices as required by law.

The vote, Boschetti, yes, Pike, yes, Civiletti, no, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

State Environmental Quality Review

FINDINGS STATEMENT

Pursuant to Article 8 (State Environmental Quality Review Act - SEQR) of the Environmental Conservation Law and 6 NYCRR Part 617, the Riverhead Town Board, as Lead Agency, makes the following findings:

Name of Action: Change of Zone Petition of Chesterfield Enterprises

Description of Action: A petition for a change of zone to provide for the Redevelopment Community Zoning Use District (Article XXIV of the Riverhead Town Code) to the exclusion of the Agriculture "A" Zoning Use District and an attendant Special Permit petition to allow the construction of one hundred thirty-five (135) units of affordable housing on a 16.2 acre parcel within the Town of Riverhead, New York.

Location: The project site is located approximately 1,000 feet north of Middle Road on the east side of Horton Avenue within the Town of Riverhead, New York (Suffolk County Tax Map Number 0600-081-3-22.1).

Agency Jurisdiction: (1) Approval of petition for proposed zone change; (2) Approval of special permit for multifamily residential construction; (3) Condominium map approval by the Riverhead Planning Board; (4) Site plan approval by the Riverhead Town of Riverhead.

Date Final Environmental Impact Statement Filed: July 5, 1989

Facts and Conclusions in the Final Environmental Impact Statement Relied Upon to Support the Decision:

First, that the SEQR scoping record compiled for the petition identified the following relevant environmental issues to be treated in the Draft Environmental Impact Statement:

(i) Impacts upon existing freshwater wetlands resulting from building construction, drainage and recharge of stormwater and wastewater collection and treatment;

(ii) Impacts upon groundwater (deep recharge) resulting from wastewater collection and treatment;

(iii) Suitability of existing soil associations for proposed development;

(iv) Impacts upon public highways resulting from anticipated vehicular traffic;

Second, that the Draft Environmental Impact Statement as accepted by the Riverhead Town Board by Resolution Number _____ analyzed those environmental impacts identified by the Lead Agency in a manner adequate for acceptance and transmittal to involved agencies and parties of interest to their review and comment;

Third, that comments received by both parties of interest and involved agencies centered upon the following:

(i) Impacts upon the Riverhead Central School District resulting from additional school-aged children expected to reside;

(ii) Impacts of the proposed sewage treatment plant upon existing freshwater wetlands and groundwater;

(iii) Impacts of development upon an existing drainage swale and an identification of the future use of this swale in stormwater drainage design;

(iv) Impacts of the proposed development upon terrestrial ecosystems (flora and fauna);

(v) Impacts of expected vehicular traffic upon existing public highways, most notably certain intersections of Town and County roadways;

(vi) The growth-inducing aspects of the proposed development; specifically, the need for increased retail and support facilities;

(vii) The need for a complete discussion of alternative actions which are reasonably considering the objectives of the project sponsor;

Fourth, that the Draft Environmental Impact Statement, together with the response to comments made by parties of interest, forms a description of an action which is expected to have a significant impact upon the environment. The facts which support this finding are:

(i) That the proposed action relies upon the construction of a sewage treatment plant in order to meet the requirements of Article VI of the Suffolk County Sanitary Code. The Sewer Plan as described in the Final Environmental Impact Statement requires a side yard variance as well as a permit by the Suffolk County Health Department.

The Suffolk County Sewer Agency has approved the plant in concept; however, this approval relies upon the execution of an agreement between the Sewer Agency and the Riverhead Sewer District which would require the Riverhead Sewer District to assume the operation and maintenance of the plant when directed by the agency. Given the state-of-the-art technology to be employed by the proposed plant, the District must be given the opportunity to accept or reject such a relationship. Prior to the signing of such an agreement, a public hearing must be held;

(ii) That the operation of the proposed sewer plant would require the disposal of sludge. No provision for disposal integrated with Town solid waste management policy was made part of the Final Environmental Impact Statement;

(iii) The proposed action is within an area which is characterized by high groundwater elevations, soils which present severe limitations

to improvement and by being part of a larger natural drainage system with an existing swale and wetland area.

The Final Environmental Impact Statement quantifies the total stormwater recharge requirements after development and shows adequate containment. However, the containment scenario relies on a significant number of leaching pools on site which are at a depth below identified groundwater elevations, and the use of Town property for a significant part of the required recharge. In addition, the site plan does not indicate a relationship between on-site and off-site recharge;

(iv) That the data supplied in the Final Environmental Impact Statement by the applicant reveals a significant impact upon the Riverhead Central School District, which is quantified as follows:

- A. 30 two-bedroom units at .17 school-aged children per unit (minimum expected) = 5 school-aged children;
- B. 100 three-bedroom units at 2.5 children per unit (identified average) = 250 school-aged children.

The Riverhead Central School District is presently at capacity for elementary school level. No mitigation measures for this impact were offered by the project sponsor.

(v) That the Final Environmental Impact Statement identified growth-inducing aspects expected to result from the build out of this project, specifically the need for additional retail services. Since the applicant is not in control of any additional lands within the project area and relies upon concurrent growth of the commercial sector of the Town of Riverhead to address these impacts, it would be necessary for the Riverhead Town Board to identify additional lands to be zoned for commercial development;

(vi) That the proposed action is designed to meet an identified need for the provision of affordable housing with an equity position for residents. However, the cost data supplied by the applicant as part of the Final Environmental Impact Statement does not itemize the monthly carrying costs associated with the public offering; i.e., cost of roadways, parking areas, landscaped areas, recreation areas, and the sewer plant (operation and maintenance). Without this specific costs information, the Riverhead Town Board cannot determine the affordability of these units to the target population;

(vii) That the Town Board shall require, prior to approval of the petitioned change of zone and special permit, a site plan in conformance with Article XXVI of the Riverhead Town Code which demonstrates the following:

1. Extension of and connection to the Riverhead Sewer District;

2. A stormwater drainage and recharge design which does not rely upon pools but is of sufficient capacity to handle expected stormwater runoff of the identified drainage basin;

3. That a priority be given to those families that reside within the Town of Riverhead;

4. That the density of the project be reduced to meet the yield requirements of Section 108-20 of the Riverhead Town Code;

5. That the hazards or disadvantages to the neighborhood from the location of such use at the property are outweighed by the advantage to be gained by either the neighborhood or the Town;

6. That the health, safety, welfare, comfort, and convenience and order of the Town will not be adversely affected by the use;

7. That the site is particularly suitable for the location of such use in the community;

8. That the plot area is sufficient, appropriate, and adequate for the use and the reasonably anticipated operation and expansion thereof;

9. That adequate buffer yards, landscaping, walls, fences, and screening are provided where necessary to protect adjacent properties and land uses;

10. That adequate provisions will be made for the collection and disposal of stormwater runoff from the site, and of sanitary sewage, refuse, or other wastes;

11. That existing municipal services and facilities are adequate to provide for the needs of the proposed use;

12. That adequate provisions have been made for the collection and disposal of solid wastes;

13. That the proposed number of units is justified in light of the number of units otherwise proposed, built, occupied, or vacant within the Town of Riverhead;

821 _____ Releases Performance and Labor and Material Bonds and Accepts Maintenance Bond of Grimes Contracting Co., Inc., Extension 22A

Councilman _____ Pike _____ offered the following resolution which was seconded by Councilman _____ Boschetti _____,

WHEREAS, Grimes Contracting Co., Inc. in accordance with the terms and conditions of the contract entered into between themselves and the Town of Riverhead Water District, did supply a Performance Bond and Labor and Material Bond regarding Extension 22A to the Riverhead Water District known as the Manors at Baiting Hollow, in the amount of \$242,522, and

WHEREAS, the engineer has certified to the Town that the work has been completed in a satisfactory manner, and

WHEREAS, they have posted a Maintenance Bond for a period of one year as required by the contract in the amount of \$242,522,

NOW, THEREFORE, BE IT

RESOLVED, that the Performance Bond and Labor and Material Bond of Grimes Contracting Co., Inc. as it relates to Extension No. 22A of the Riverhead Water District be and is hereby released, and the Maintenance Bond which runs for one year in the amount of \$242,522 is hereby accepted, and be it further

RESOLVED, that the Town Clerk forward certified copies of this resolution to Pierre Lundberg, Esq.; Gary Pendzick; and Grimes Contracting Co., Inc.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

822 Releases Performance and Labor and Material Bonds and Accepts Maintenance Bond of Bensin Contracting, Inc., Riverside Drive Pump Station

Councilman Pike offered the following resolution which was seconded by Councilman Boschetti,

WHEREAS, Bensin Contracting, Inc. in accordance with the terms and conditions of the contract entered into between themselves and the Town of Riverhead Water District, did supply a Performance Bond and Labor and Material Bond regarding the improvements to the Riverside Drive Pump Station, Contract No. 1, General Construction and Mechanical Work, in the amount of \$139,425, and

WHEREAS, the engineer has certified to the Town that the work has been completed in a satisfactory manner, and

WHEREAS, they have posted a Maintenance Bond for a period of one year as required by the contract in the amount of \$151,526.06,

NOW, THEREFORE, BE IT

RESOLVED, that the Performance Bond and Labor and Material Bond of Bensin Contracting, Inc. as it relates to the improvements to the Riverside Drive Pump Station Contract No. 1, General Construction and Mechanical Work, of the Riverhead Water District be and is hereby released, and the Maintenance Bond which runs for one year in the amount of \$151,526.06 is hereby accepted, and be it further

RESOLVED, that the Town Clerk forward certified copies of this resolution to Pierre Lundberg, Esq.; Gary Pendzick; and Bensin Contracting, Inc.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

823 URGING SUPPORT OF FUNDING OF RIVERHEAD-SOUTHAMPTON
COMMUNITY CENTER, INC. BY E.O.C. OF SUFFOLK

Councilperson Civiletti offered the
following resolution which was seconded by Councilperson
Lombardi.

WHEREAS, the Riverhead-Southampton Community Center, Inc.
has served the Riverhead area since 1967; and

WHEREAS, the center serves more than 271 persons a month in
its emergency food pantry program; and

WHEREAS, the center provides meals for a dozen or more
homeless people daily; and

WHEREAS, this center also conducts an after-school homework
program, a summer youth enrichment program and a senior citizen's
assistance program as well as numerous other programs which
benefit the Riverhead community; and

WHEREAS, the Economic Opportunity Council of Suffolk, Inc.,
which has been the sole funding source for the center, has
announced that, due to cutbacks in federal funds, the Riverhead-
Southampton Community Center, Inc. will receive no funding after
December, 1989; and

WHEREAS, the decision by the Economic Opportunity Council of
Suffolk, Inc. to eliminate funding of the Riverhead-Southampton
Community Center will close the doors of this agency

NOW, THEREFORE, BE IT

RESOLVED, that the Economic Opportunity Council of Suffolk,
Inc. be and hereby is urged to immediately restore full funding
to the Riverhead-Southampton Community Center, Inc.; and

BE IT FURTHER RESOLVED, that the Town Clerk be and hereby is
directed to send certified copies of this resolution to
Representative George Hochbrueckner, Suffolk County Executive
Patrick Halpin, Legislator Gregory J. Blass, Legislator Fred
Thiele, Legislator-elect Michael Caracciolo, the Town Board of
the Town of Southampton, the Board of Directors of the Economic
Opportunity Council of Suffolk, Inc. and the Riverhead-
Southampton Community Center Inc.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes,
Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

824 APPROVES SPECIAL PERMIT APPLICATION OF ROBERT J. ANDREWS
AND MARIE L. ANDREWS

COUNCILPERSON Lombardi offered the following resolution, which was seconded by COUNCILPERSON Civiletti:

WHEREAS, by application dated September 15, 1989, Robert J. Andrews and Marie L. Andrews did apply to this Town Board for a special permit for permission to erect a farm stand at premises located at Sound Avenue, Wading River, New York, known and designated as Suffolk County Tax Map #0600-58-2-12.1, said application made pursuant to Section 108-69 of the Code of the Town of Riverhead; and

WHEREAS, the farm stand would be less than 10% coverage and, therefore, no public hearing is required; and

WHEREAS, the Environmental Quality Review Board has determined that the action is a(n) Type II action without significant impact upon the environment; and

WHEREAS, based upon the Town Board's review of the Environmental Assessment Form and the proceedings had herein, the Town Board determines that the special permit applied for will be a(n) Type II action without a significant impact upon the environment pursuant to the State Environmental Quality Review Act.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board determines as follows:

a. The use will not prevent or substantially impair either the reasonable and orderly use or development of other properties in the neighborhood;

b. The hazards or disadvantages to the neighborhood from the location of such use at the property are outweighed by the advantage to be gained either by the neighborhood or the Town;

c. The health, safety, welfare, comfort, convenience and order of the Town will not be adversely affected by the authorized use;

d. Such use will be in harmony with and promote the general purposes and intent; and be it further

RESOLVED, that the Town Board of the Town of Riverhead hereby approves the special permit application of Robert J. Andrews and Marie L. Andrews for property located at Sound Avenue, Wading River, New York, known and designated as Suffolk County Tax Map #0600-58-2-12.1, pursuant to Section 108-69 of the Code of the Town of Riverhead; and be it further

RESOLVED, that the premises covered by this special permit shall be maintained in conformity with such plan which may, from time to time, be approved by the Riverhead Town Board; and be it further

RESOLVED, that no building permit shall be issued until the Town Board has approved the site plan, by resolution; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Robert J. Andrews and Marie L. Andrews, the Riverhead Planning Department, the Riverhead Planning Board, the Town Attorney's Office and the Riverhead Building Department.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

825 APPROVES SPECIAL PERMIT APPLICATION OF BERNARD MAY

Councilperson Pike offered the following resolution, which was seconded by Councilperson Boschetti:

WHEREAS, by application dated October 18, 1989, Bernard May did apply to this Town Board for a special permit to construct an addition to an existing plastic greenhouse at premises located at Wading River-Manor Road, Wading River, New York, said application made pursuant to Section 108-69 of the **Code of the Town of Riverhead**; and

WHEREAS, this matter was referred to the Planning Board for its review and recommendation; and

WHEREAS, this Town Board has waived the public hearing requirement as the addition to the existing greenhouse does not cover more than ten percent (10%) of the total area upon which the building is located; and

WHEREAS, the Environmental Quality Review Board has determined that the action is a(n) Type II action without significant impact upon the environment; and

WHEREAS, based upon the Town Board's review of the Environmental Assessment Form and the proceedings had herein, the Town Board determines that the special permit applied for will be a(n) Type II action without a significant impact upon the environment pursuant to the State Environmental Quality Review Act.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board determines as follows:

a. The use will not prevent or substantially impair either the reasonable and orderly use or development of other properties in the neighborhood;

b. The hazards or disadvantages to the neighborhood from the location of such use at the property are outweighed by the advantage to be gained either by the neighborhood or the Town;

c. The health, safety, welfare, comfort, convenience and order of the Town will not be adversely affected by the authorized use;

d. Such use will be in harmony with and promote the general purposes and intent; and be it further

RESOLVED, that the Town Board of the Town of Riverhead hereby approves the special permit application of Bernard May for property located at Wading River-Manor Road, Wading River, New

York, pursuant to Section 108-69 of the Code of the Town of Riverhead; and be it further

RESOLVED, that the premises covered by this special permit shall be maintained in conformity with such plan which may, from time to time, be approved by the Riverhead Town Board; and be it further

RESOLVED, that no building permit shall be issued until the Town Board has approved the site plan, by resolution; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Bernard May, the Riverhead Planning Department, the Town Attorney's Office and the Riverhead Building Department.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.